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# Texas Register



## Highlights

- ★ The Railroad Commission of Texas proposes a new rule concerning reciprocal switching charges; earliest possible date of adoption - July 11 page 1969
- ★ The Texas Department of Mental Health and Mental Retardation proposes amendments to rules concerning the transfer of court-committed patients to Skyview Maximum Security Unit at the Rusk State Hospital, earliest possible date of adoption - July 11 page 1972
- ★ The Texas Water Commission proposes an amendment to a rule concerning the purpose of the commission's rules; earliest possible date of adoption - July 11 page 1974

# How To Use the Texas Register

## Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711 3824, (512) 475 7886.

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**POSTMASTER:** Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711 3824.

**Information Available:** The nine sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor: appointments, executive orders, and proclamations
- Secretary of State: summaries of opinions based on election laws
- Attorney General: summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules: rules adopted by state agencies on an emergency basis
- Proposed Rules: rules proposed for adoption
- Withdrawn Rules: rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules: rules adopted following a 30 day public comment period
- Open Meetings: notices of open meetings
- In Addition: miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "8 TexReg 2 issue date" while on the opposite page, in the lower right hand corner, page 3 is written: "issue date: 8 TexReg 3."

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

**How To Cite:** Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).

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Latest Texas Code Reporter  
(Master Transmittal Sheet) No. 10, December 1982

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John W. Fainter, Jr.  
Secretary of State

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

# The Governor

## Appointment Made May 11

### Lavaca-Navidad River Authority

To the board of directors for a term to expire May 1, 1989:

Hans R. Wittenburg  
Box 356  
Edna, Texas 77957

Mr. Wittenburg is replacing W. C. Hollingsworth of Edna, whose term expired.

Issued in Austin, Texas, on May 11, 1983.

TRD-833955      Mark White  
Governor of Texas

## Appointments Made May 17

### Texas Coastal and Marine Council

For a term to expire June 30, 1983:

Jeannette Kowis  
12802 Seventh Street  
Alta Loma, Texas 77510

Ms. Kowis is replacing Pike Powers of Austin, who resigned.

Issued in Austin, Texas, on May 17, 1983.

TRD-833956      Mark White  
Governor of Texas

## State Board of Medical Examiners

For terms to expire April 13, 1989:

Dr. Drew Davis Williams  
1217 Kilgore Road  
Baytown, Texas 77520

Dr. Williams is replacing Dr. Max Camille Butler of Houston, whose term expired.

James G. Bertman  
512 San Jacinto  
Liberty, Texas 77575

Mr. Bertman is replacing Clyde H. Alexander II of Trinidad, whose term expired.

Dr. Sol Forman  
2705 Nine Mile Road  
Galveston, Texas 77551

Dr. Forman is replacing Dr. Paul J. Cunningham of Galveston, whose term expired.

Dr. Suzanne Ahn  
8826 Lakemont  
Dallas, Texas 75209

Dr. Ahn is replacing Dr. Albert Bryan Spires, Jr. of Austin, whose term expired.

Issued in Austin, Texas, on May 17, 1983.

TRD-833957-      Mark White  
833960      Governor of Texas

## Appointments Made May 18

### Credit Union Commission

For a term to expire February 15, 1985:

Ada Williams  
1636 Indian Summer Trail  
Dallas, Texas 75241

Ms. Williams is replacing Velma Brooks of Dallas, whose appointment was not confirmed by the senate.

Issued in Austin, Texas, on May 18, 1983.

TRD-833966      Mark White  
Governor of Texas

## Texas Board of Health

For a term to expire February 1, 1989:

Dr. Barry D. Cunningham  
Route 2, Box 21C  
Round Rock, Texas 78664

Dr. Cunningham is replacing Dr. Francis A. Conley of Austin, whose term expired.

Issued in Austin, Texas, on May 18, 1983.

TRD-833963      Mark White  
Governor of Texas

## State Board of Nurse Examiners

For terms to expire January 31, 1989:

Mary Elizabeth Jackson  
Route 1, Box 291F  
Tyler, Texas 75708

Ms. Jackson is replacing Peggy L. Brown of Houston, whose term expired.

Mary Virginia Jacobs  
109 Oak Ridge Drive  
Yoakum, Texas 77995

Ms. Jacobs is being reappointed.

Karen G. Barnes-Cure  
3021 Oakland Drive  
Temple, Texas 76502

Ms. Barnes-Cure is replacing Jane Murphy of Tyler,  
whose term expired.

Issued in Austin, Texas, on May 18, 1983.

TRD-833961,      Mark White  
833964,          Governor of Texas  
833965

**Texas Turnpike Authority**

For a term to expire February 15, 1989:

Royce B. West  
7318 Oakmore  
Dallas, Texas 75249

Mr. West is replacing George W. Hawkes of Arlington,  
whose term expired.

Issued in Austin, Texas, on May 18, 1983.

TRD-833962      Mark White  
Governor of Texas

**Appointment Made May 20**

**Interstate Oil Compact Commission**

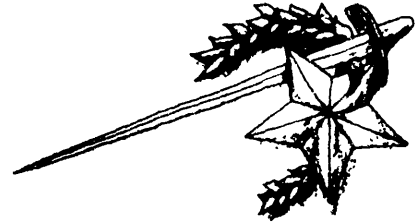
As the governor's official representative, for a term to  
continue during the term of service of this governor pur-  
suant to the Texas Natural Resources Code, §90.003(a):

Charles A. Moore  
773 Rocky River  
Houston, Texas 77056

Mr. Moore is replacing Philip F. Patman of Austin.

Issued in Austin, Texas, on May 20, 1983.

TRD-833967      Mark White  
Governor of Texas





Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority), the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

# Proposed Rules

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division Subchapter Y. Special Rules of Practice and Procedure in Rail Rate Cases

##### 16 TAC §5.567

The Railroad Commission of Texas proposes for adoption new §5.567, concerning reciprocal switching charges and the provision of switching services.

The basic provisions of §5.567 had previously been incorporated into general orders published by the Railroad Commission under Circulars 4300 and 4201. These orders provided that switching charges be absorbed by the line or lines of the railway carrier performing the transportation haul on the car switched out of the line-haul charges accruing under the authorized freight rate

The Railroad Commission has scheduled a public hearing on the proposed rule for June 22-24, 1983. The hearing will be at 9 a.m. in Room 107, Railroad Commission Building, 1124 IH 35 South, Austin.

Jim B. Cloudt, Transportation Division hearings examiner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Cloudt has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the preservation of a shipper's ability to market its product, to foster rail-to-rail competition, and to facilitate carrier service. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments on this section will be accepted for 30 days after publication in the *Texas Register*.

The rule is proposed under Texas Civil Statutes, Article 6445, *et seq.*, which provide the Railroad Commission with the authority to prescribe regulations for the governance of rail carriers, as well as under 49 United States Code, §10101, *et seq.*

##### §5.567. *Reciprocal Switching.*

(a) Definitions The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Switching service—The movement of a car loaded in one direction and empty in the opposite direction.

(2) Inter-terminal switching—A switching movement from a track served by one carrier to a track served by another carrier when both tracks are within the switching limits of one location or industrial switching district.

(b) Provision of switching service. Railroad companies shall maintain, at all points where inter-terminal switching is necessary, adequate force and equipment to perform such service with reasonable dispatch, and shall switch all cars in the order of date and time in which the cars are tendered to them for such service. A railroad company requiring switching service to be performed by a connecting line shall place the cars to be so moved at a proper point of connections and notify such connecting line of the fact, furnishing a list of the cars and specifying the exact points to and from which they are to be switched.

(c) Absorption of switching charges for inter-terminal switching. Inter-terminal switching service shall, in all cases, be furnished when demanded and said charges shall, in all cases, be absorbed by the line or lines of railway performing the transportation line-haul on the cars switched, out of the charges accruing under the authorized freight rate applicable for the transportation of commodities shipped between origin and destination stations. If a car switched is loaded in both directions, a switching charge may be made for each movement.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 6, 1983.

TRD-834052 Walter Wendlandt  
Acting Director  
Transportation Division  
Railroad Commission of Texas

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 445-1186.

**TITLE 25. HEALTH SERVICES  
Part II. Texas Department of  
Mental Health and Mental  
Retardation**

**Chapter 405. Client (Patient) Care  
Subchapter I. Review Boards (Skyview  
Maximum Security Unit at Rusk State  
Hospital) for Making a Determination  
of Manifest Dangerousness**

25 TAC §§405.196, 405.201, 405.220

The Texas Department of Mental Health and Mental Retardation proposes amendments to §§405.196, 405.201, and 405.220, concerning the review board (Skyview Maximum Security Unit at Rusk State Hospital) for making a determination of manifest dangerousness.

The amendment of §405.196 would delete the redundant reporting requirement that calls for copies of minutes of review board meetings to be sent to the

chief of legal services of the department. Copies of these documents are filed in office of the deputy commissioner for mental health.

Amendments to §405.201 would require the Institutional Review Board's written reports and dissents to be filed with the office of the deputy commissioner for mental health, not with the office of the commissioner. Amendments to this section would also delete the requirement to expunge client-identifying information from the Institutional Review Board's written reports and dissents prior to transmittal to the office of the deputy commissioner for mental health and would delete the requirement to automatically file these documents for public inspection. This change will reduce paperwork, since such written reports and dissents would be filed in the office of the deputy commissioner for mental health and client-identifying information will be expunged from the records when public inspection is requested.

In §405.220, distribution requirements would be changed to reflect the current administrative organization of the department.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five years the rules will be in effect there will be no fiscal implications to state or local government as a result of the proposed amendments

Ms. Dillard has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules will be that unnecessary language and redundant reporting requirements will be deleted. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, P.O. Box 12668, Austin, Texas, 78711, within 30 days after publication

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation

§405.196. Meetings and Minutes of the Review Board.

(a)-(d) (No change.)

(e) A copy of all minutes of the review board shall be:

(1) maintained by the chairperson as a permanent file;

(2) [(1)] provided to the superintendent; and

(3) [(2)] provided to the appropriate deputy commissioners [and]

[(3) provided to the chief of legal services of the department.]

§405.201. Procedures for the Determination of Manifest Dangerousness by a Review Board.

(a)-(e) (No change.)

(f) The written report of each decision of a review board shall be filed in the permanent clinical record of

the patient. A copy of the decision shall also be sent to the **deputy commissioner for mental health** [provided, however, that all such decisions furnished the commissioner shall have deleted therefrom any and all words and figures which would directly or indirectly reveal the identity of the patient, provided further, however, that the institutional case number of the patient is not to be deemed as directly or indirectly identifying the identity of the patient. Upon receipt of a copy of such a decision, the commissioner shall inspect the decision, and, if he is satisfied that the patient's identity is not revealed thereby, he shall file and index the decision for public inspection as required by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.]

(g) In the event that any decision of a review board is not unanimous, any member of the review board may prepare a written dissent, stating the reason for such dissent. Such dissent shall also be filed in the patient's permanent clinical record, and a copy shall be provided to the superintendent **and the chairperson**. A copy of the written dissent shall also be sent to the **deputy commissioner for mental health** [and also shall have deleted therefrom all patient identifying information as is provided for with reference to the decision in subsection (f) of this section].

(h)-(i) (No change)

**§405.220. Distribution**

(a) The provisions of this subchapter shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation, [assistant commissioners,] deputy commissioners **and** directors [and section chiefs] of central office, superintendents and directors of all department facilities, and members of review boards

(b)-(c) (No change)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 3, 1983

TRD 834046 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 465-4670.

**25 TAC §405.219, §405.222**

*(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §405.219 and

§405.222, concerning the review board (Skyview Maximum Security Unit at Rusk State Hospital) for making a determination of manifest dangerousness. The repeal of §405.219 would delete the requirement for the commissioner to make the department's airplane available for transportation of review board members. The repeal of §405.222 would delete unnecessary language regarding the effective date of the subchapter.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Ms. Dillard has also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be the deletion of unnecessary language. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, P O Box 12668, Austin, Texas, 78711, within 30 days after publication.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation

**§405.219. Transportation of Review Board Members.**

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 3, 1983

TRD 834048 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 465-4670.



**Subchapter N. Transfer of  
Court-Committed Patients to Skyview  
Maximum Security Unit at the Rusk  
State Hospital**

25 TAC §§405.323, 405.324, 405.326,  
405.330, 405.349

The Texas Department of Mental Health and Mental Retardation proposes amendments to §§405.323, 405.324, 405.326, 405.330, and 405.349, concerning the transfer of court-committed patients to Skyview Maximum Security Unit at the Rusk State Hospital.

The definition of "mental health professional" would be added to §405.323. Unnecessary referencing of the rule to itself would be deleted in §405.324.

The amendment to §405.326 would delete the redundant reporting requirement that calls for copies of minutes of review board meetings to be sent to the chief of legal services of the department. Copies of these documents are filed in the office of the deputy commissioner for mental health.

Amendments to §405.330 would require the Institutional Review Board's written reports and dissents to be filed with the office of the deputy commissioner for mental health, not with the office of the commissioner. Amendments to this section would also delete the requirement to expunge client-identifying information from the Institutional Review Board's written reports and dissents prior to transmittal to the office of the deputy commissioner for mental health and would delete the requirement to automatically file these documents for public inspection. This change will reduce paperwork, since such written reports and dissents would be filed in the office of the deputy commissioner for mental health and client-identifying information will be expunged from the records when public inspection is requested.

In §405.349, distribution requirements would be changed to reflect the current administrative organization of the department.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules. Ms. Dillard has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing the rules will be the deletion of unnecessary language and redundant reporting requirements. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, P.O. Box 12668, Austin, Texas, 78711, within 30 days after publication.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide

the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

**§405.323 Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Mental health professional—Professional staff attending to the needs of patients; includes licensed physicians, psychologists, psychiatric social workers or case workers, and registered or licensed vocational nurses.**

**§405.324 Transfer of Patients to the Skyview Maximum Security Unit at the Rusk State Hospital Who Are Determined To Be Manifestly Dangerous.**

(a) (No change.)

(b) When the superintendent is of the opinion that the patient is manifestly dangerous and does not require immediate transfer to the Skyview Maximum Security Unit at the Rusk State Hospital, he will inform the Institutional Review Board, which will give notice and hold a hearing in accordance with the procedures specified and the rights granted by **this subchapter** [§405.326 of this title (relating to Meetings and Minutes of the Institutional Review Board), §405.328 of this title (relating to Information and Records To Be Furnished to the Institutional Review Board by the Superintendent), §405.329 of this title (relating to Advice from the Institutional Review Board as to Matters Other than Manifest Dangerousness), §405.330 of this title (relating to Procedure of the Determination of Manifest Dangerousness by the Institutional Review Board), §405.331 of this title (relating to Filing of Papers), §405.332 of this title (relating to Computation of Time, Extensions), §405.333 of this title (relating to Motions), §405.334 of this title (relating to Notice of Hearing; Waiver of Notice), §405.335 of this title (relating to Depositions), §405.336 of this title (relating to Subpoenas), §405.337 of this title (relating to Prepared Testimony), §405.338 of this title (relating to Conduct and Decorum), §405.339 of this title (relating to Rules of Evidence), §405.340 of this title (relating to Documentary Evidence and Official Notice), §405.341 of this title (relating to Formal Exceptions), §405.342 of this title (relating to Limitations on Number of Witnesses), §405.343 of this title (relating to Offer of Proof), §405.344 of this title (relating to Right to Present Evidence and Argument, Swearing of Witnesses and Testimony Under Oath; Right to Cross-Examination, Assistance of Counsel), §405.345 of this title (relating to *Ex Parte* Consultations), §405.346 of this title (relating to Effects of Institutional Review Board Decision), §405.347 of this title (relating to Final Decisions and Orders, Request for Rehearing by Superintendent or Patient, Request for New Hearing by Superintendent or Patient, Motions for Rehearing), and §405.348 of this title (relating to the Record)].

(c) When the superintendent is of the opinion that the patient is manifestly dangerous and requires immediate transfer to the Skyview Maximum Security Unit at the Rusk State Hospital, he will inform the Institutional Review Board, which will hold an emergency hear-

ing so that the patient can be immediately transferred to the Skyview Maximum Security Unit at the Rusk State Hospital upon a finding of manifest dangerousness. The emergency hearing provided for in this subsection:

(1) (No change.)

(2) Need not be held in conformity with §406.330 of this title (relating to Procedure for the Determination of Manifest Dangerousness by the Institutional Review Board) [§405.331 of this title (relating to Filing of Papers), §405.332 of this title (relating to Computation of Time; Extensions), §405.333 of this title (relating to Motions), §405.334 of this title (relating to Notice of Hearing, Waiver of Notice), §405.335 of this title (relating to Depositions), §405.336 of this title (relating to Subpoenas), §405.337 of this title (relating to Prepared Testimony), §405.338 of this title (relating to Conduct and Decorum), §405.339 of this title (relating to Rules of Evidence), §405.340 of this title (relating to Documentary Evidence and Official Notice), §405.341 of this title (relating to Formal Exceptions), §405.342 of this title (relating to Limitations on Number of Witnesses), §405.343 of this title (relating to Offer of Proof), §405.344 of this title (relating to Right to Present Evidence and Argument, Swearing of Witnesses and Testimony Under Oath, Right to Cross Examination, Assistance of Counsel), §405.345 of this title (relating to *Ex Parte* Consultations), §405.346 of this title (relating to Effects of Institutional Review Board Decisions), §405.347 of this title (relating to Final Decisions and Orders, Request for Rehearing by Superintendent or Patient, Request for New Hearing by Superintendent or Patient, Motions for Rehearing), and] through §405.348 of this title (relating to the Record) [, which provide certain rights for patients before an institutional review board]

(3)-(7) (No change.)

(d)-(j) (No change.)

**§405.326 Meetings and Minutes of the Institutional Review Board**

(a)-(d) (No change.)

(e) A copy of all minutes of the institutional review board shall be

(1) provided to the superintendent; and

(2) provided to the deputy commissioner [, and

(3) provided to the chief of legal services of the department ]

**§405.330 Procedures for the Determination of Manifest Dangerousness by the Institutional Review Board.**

(a)-(d) (No change.)

(e) The written report of each decision of the Institutional Review Board shall be filed in the permanent clinical record of the patient. A copy of the decision shall also be sent to the deputy commissioner for mental health [, provided, however, that all such decisions furnished the commissioner shall have deleted therefrom any and all words and figures which would directly or indirectly reveal the identity of the patient, provided further, however, that the institutional case number of the patient is not to be deemed as directly or indirectly identifying the identity of the patient. Upon receipt of a copy of such a decision, the commissioner shall inspect the decision, and, if he is satisfied that the patient's identity is not

revealed thereby, he shall file and index the decision for public inspection as required by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a]

(f) In the event that any decision of the Institutional Review Board is not unanimous, any member of the Institutional Review Board may prepare a written dissent, stating the reason for such dissent. Such dissent shall also be filed in the patient's permanent clinical record, and a copy shall be provided to the superintendent and the chairperson. A copy of the written dissent shall also be sent to the deputy commissioner for mental health [and also shall have deleted therefrom all patient-identifying information as is provided for with reference to the decision in subsection (e) of this section]

**§405.349 Distribution**

(a) The provisions of this subchapter shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation, [assistant commissioners,] deputy commissioners and directors [and section chiefs] of the central office, and superintendents and directors of all department facilities.

(b) (c) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 3, 1983

TRD 834046

Gary E. Miller, M.D.

Commissioner

Texas Department of Mental  
Health and Mental Retardation

Earliest possible date of adoption

July 11, 1983

For further information, please call (512) 465-4670.

**25 TAC §405.351**

*(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §405.351, concerning the transfer of court-committed patients to Skyview Maximum Security Unit at the Rusk State Hospital. The proposed repeal would delete unnecessary language regarding the effective date of the subchapter.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of the repeal.

Ms. Dillard has also determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be the

deletion of unnecessary language. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, P.O. Box 12668, Austin, Texas, 78711 within 30 days after publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, § 2 11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

**§405.351 Effective Date**

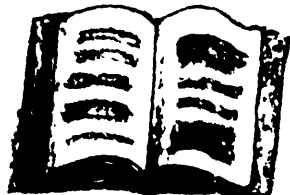
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 3, 1983.

TRD-834047 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 465-4670.



**TITLE 31. NATURAL RESOURCES  
AND CONSERVATION**

**Part IX. Texas Water Commission  
Chapter 261. Introductory Provisions**

**31 TAC §261.1**

The Texas Water Commission proposes an amendment to §261.1, concerning the purpose of the commission's rules. The amendment would specifically provide for the use of the Texas Rules of Civil Procedure in commission hearings.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to expressly permit the use of procedures familiar to attorneys and other participants in commission hearings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5 262, which provides for the commission to adopt reasonable procedural rules.

**§261.1 Purpose of Rules** These rules set forth necessary and implied powers of the Texas Water Commission and establish reasonable procedures for the institution, conduct, and final determination of matters before the commission to avoid delays, save expense, and facilitate the just administration and enforcement of the water laws of the state and the rules of the department. The commission's rules are designed to supplement procedures established by statute and any statutory procedures not specifically included in these rules shall be applicable to practice before the Texas Water Commission. **The commission may use the Texas Rules of Civil Procedure to assist in the conduct of hearings.** The commission's rules shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, power, duties, or authority conferred by law on the Texas Department of Water Resources.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD 833995 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.

**31 TAC §261.5, §261.6**

*(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Commission, Room 511, Stephen F. Austin Building, 1700 North Congress, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Water Commission proposes to repeal §261.5 and §261.6, concerning regular and special meetings of the commission. Repeal of §261.5 would allow the commission to hold its regular weekly meetings on days and times other than just Mondays at 10 a.m. Repeal of §261.6 is desirable since the authority of the commission to hold special meetings is specifically conferred by the Texas Water Code, §5 226(d), and the rule is unnecessary.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Ms. Hefner has also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeal of §261.5 will be to allow the commission to split or shorten its regular meetings for the benefit of persons in attendance. The public benefit anticipated as a result of repealing §261.6 is to delete an unnecessary rule. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

The repeals are proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules

§261.5 Regular Meetings

§261.6 Special Meetings

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas on June 1, 1983

TRD 833996 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.

## Chapter 263. General Rules

### 31 TAC §263.3

The Texas Water Commission proposes an amendment to §263.3, concerning the functions of commission hearings examiners. The amendment would specify that in a hearing with more than one examiner, the presiding officer will make rulings on all evidentiary, as well as procedural, questions.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be clarification of the functions of a hearings examiner for the benefit of the participants in commission hearings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§263.3 *Hearings Examiners* The commission employs examiners to preside at certain public hearings and to report to the commission on such hearings in the manner provided by law. Matters referred by the commission to the office of hearings examiners will be assigned to the examiners by the chief examiner. When more than one examiner is assigned to hear a particular matter, one of the examiners will be designated as the presiding officer and shall resolve all procedural and evidentiary questions.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983

TRD 833997 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.

### 31 TAC §263.4

The Texas Water Commission proposes an amendment to §263.4, concerning the powers of commission hearings examiners. The rule as proposed would specifically permit the examiner to reopen a hearing record for additional evidence when appropriate.

Mary Ann Hefner, chief clerk, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to ensure a more complete hearing record for the benefit of the hearing participants. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§263.4 *Powers of the Hearings Examiners* The examiner presiding shall have authority to do the following:

(1)-(11) (No change)

(12) recess any hearing from time to time and from place to place, [and]

(13) reopen the record of a hearing for additional evidence where necessary or convenient to carry out his responsibilities.

(14) [(13)] exercise any other appropriate powers necessary or convenient to carry out his responsibilities

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983  
TRD 833998 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983  
For further information, please call (512) 475-4514.

**31 TAC §263 18**

The Texas Water Commission proposes an amendment to §263 18, concerning the reporting and transcription of commission proceedings. The amendment would make the rule clearer that it is the party requesting a transcript, not the party requesting a hearing reporter, which is liable for the costs of the transcript, unless otherwise assessed by the commission. The amendment would also make it clear that if a transcript is not requested by any party, the party requesting the reporter is liable only for a minimum fee.

Mary Ann Hefner, chief clerk, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be clarification of liability for costs of the hearings reporters and transcripts. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475 4514.

The amendment is proposed under the authority of the Texas Water Code, §5 262, which provides for the commission to adopt reasonable procedural rules.

**§263 18 Reporting and Recording of Proceedings** A hearing reporter shall be provided by the commission to report [transcribe] a proceeding upon the timely written request of any party. If a transcript of the proceeding is not requested by any party, the party requesting the reporter shall pay the minimum reporting fee set out in the commission's court reporting contract. If a transcript of the proceeding is made [When a reporter is provided] at the request of a party, the party requesting the transcript [transcription] shall pay all costs to one or more of the parties to the proceeding. If the commission does not provide a reporter after timely written request, a party may furnish a reporter, at that party's expense, who may be appointed by the commission as the official reporter

for the proceeding. All other hearings will be electronically recorded.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983  
TRD 833999 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983  
For further information, please call (512) 475-4514.

**31 TAC §263 20**

The Texas Water Commission proposes an amendment to §263 20, concerning consolidated hearings. The amendment will specifically provide that the commission may consolidate participants in a hearing under certain circumstances.

Mary Ann Hefner, chief clerk, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to simplify and expedite hearings where it would not injure any party to do so. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475 4514.

The amendment is proposed under the authority of the Texas Water Code, §5 262, which provides for the commission to adopt reasonable procedural rules.

**§263 20 Consolidated Hearing** Consistent with notices required by law, the commission may consolidate related matters or participants if the consolidation will not injure any party and may save time and expense or benefit the public interest and welfare.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983  
TRD 834000 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983  
For further information, please call (512) 475-4514.



**31 TAC §265 7, §265 8**

The Texas Water Commission proposes amendments to §265 7 and §265 8, concerning prehearing conferences. The amendment to §265 7 will provide that notice of a prehearing conference will be published only where notice of the hearing is required to be published. The amendment to §265 8 will delete the requirement that a written record of a prehearing conference be signed by the parties.

Mary Ann Hefner, chief clerk, has determined that for the first five year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Ms. Hefner has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be to expedite commission proceedings in which a prehearing conference is conducted. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475 4514.

The amendments are proposed under the authority of the Texas Water Code, §5 262, which provides for the commission to adopt reasonable procedural rules.

**§265 7. Conference Before Hearing.** At the discretion of the commission, a conference before hearing may be held at the time and place stated in the notice. If notice of the conference is not given in the notice of public hearing, notice of the conference shall be mailed [and published] at least 10 days prior to the conference. **If notice of a hearing is required to be published, notice of the conference shall be published at least 10 days prior to the conference.** A conference may be held to consider the following:

- (1)-(8) (No change)

**§265 8. Recordation of Conference Action.** As directed by the presiding officer, action taken at the conference shall be reduced to writing [, signed by the parties] and made a part of the record, or a statement thereof shall be made on the record at the close of the conference or at the hearing.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834001      Mary Ann Hefner  
   Chief Clerk  
   Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.

**Chapter 267. Procedures during  
Public Hearing**

**31 TAC §§267 1 267 3**

The Texas Water Commission proposes amendments to §§267 1 267 3, concerning parties in commission proceedings. The amendment to §267 1 would clarify the rule to show that a person who is specifically named in a proceeding can be named as a party in that proceeding even if that person does not appear and seek to be named as a party. The amendment to §267 2 would revise the executive director's procedural rights and responsibilities in commission hearings to more closely follow the Texas Water Code, §5 173. The amendment to §267 3 would revise the public interest advocate's procedural rights and responsibilities in commission hearings to more closely follow the Texas Water Code, §5 181.

Mary Ann Hefner, chief clerk, has determined that for the first five year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Ms. Hefner has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be to make clearer that the commission can name involuntary parties in enforcement and other such hearings so as to enable the department to perform its statutory functions. The public benefit anticipated as a result of enforcing §267 2 and §267 3 as proposed will be to remove conflicts between the rules and the Texas Water Code. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P O Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendments are proposed under the authority of the Texas Water Code, §5 262, which provides for the commission to adopt reasonable procedural rules.

**§267 1. Designation of Parties.** All parties to a proceeding shall be designated at the first day of hearing or at such time as may be designated by the commission. In order to be admitted as a party, a person must have a justiciable interest in the matter being considered and must, **unless the person is specifically named in the matter being considered,** appear at the proceeding in person or by representative, [unless the person is specifically named in the matter being considered,] and seek to be admitted as a party. Regardless of the designations of pleadings, the parties and their pleadings shall be accorded their true status in the proceeding. After parties are designated, no other person will be admitted as a party except upon a finding of good cause and extenuating circumstances and that the hearing in progress will not be unreasonably delayed. At the discretion of the commis-

sion, persons who are not parties may be permitted to make or file statements

§267.2 Executive Director as a Party The executive director shall be named a party in commission hearings and shall present the position of and information developed by the department. [The executive director or his designated representative shall be admitted as a party. The executive director may not appeal any commission ruling, decision, or other act but has all other procedural rights and obligations as a party, including the right to file a motion for rehearing in accordance with these rules.]

§267.3 Public Interest Advocate as a Party The public interest advocate shall be named a party in commission hearings. [The public interest advocate or his designated representative shall be admitted as a party. The public interest advocate may not appeal any commission ruling, decision, or other act but has all other procedural rights and obligations of a party, including the right to file a motion for rehearing in accordance with the rules.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983

TRD 834002 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.

ruling of the commission is not necessary to preserve the objecting party's right on appeal. If the matter is heard before an examiner, no objection to any ruling will be considered by the full commission until it considers the examiner's proposal for decision

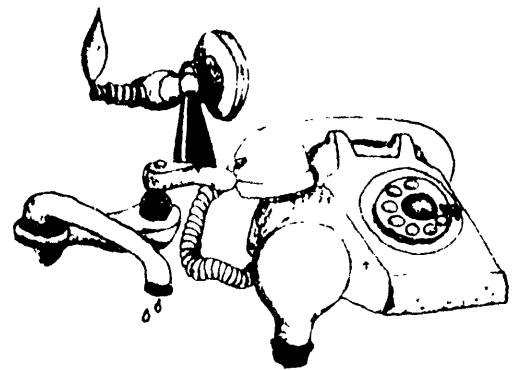
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983

TRD 834003 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption  
July 11, 1983

For further information, please call (512) 475-4514.



31 TAC §267.12

The Texas Water Commission proposes an amendment to §267.12, concerning procedures during public hearing. The amendment would clarify the rule to expressly prohibit appeal to the commission of all rulings made by an examiner until the examiner's proposal for decision is considered by the commission.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be prevention of delays in completion of examiner hearings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§267.12 Objections. Objections to rulings shall be timely and noted in the record. Formal exception to the

31 TAC §267.17, §267.18

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Water Commission, Room 511, Stephen F. Austin Building, 1700 North Congress, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Water Commission proposes the repeal of §267.17 and §267.18, concerning prepared testimony in commission hearings. These rules have not proven necessary or helpful and have been difficult to enforce.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Ms. Hefner has also determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of the repeals will be elimination of unnecessary rules which have been confusing and often not followed. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The repeals are proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§267.17. Prepared Testimony.

§267.18. Admissibility of Prepared Testimony

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas on June 1, 1983

TRD-834004 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

participated in the review and processing of the matter. In evaluating the evidence, the commission may communicate with any employee of the department assigned under this rule.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983

TRD-834005 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption.  
July 11, 1983

For further information, please call (512) 475-4514.

31 TAC §267.23

The Texas Water Commission proposes an amendment to §267.23, concerning the utilization of the special skills of the department in commission hearings. The amendment would revise the rule to be consistent with the Administrative Procedure and Texas Register Act, §17.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be more utilization of the expertise of the department's technical staff who are not involved in the proceeding. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§267.23. Utilizing Special Skills of the Department. In order to utilize the special skills or knowledge of the department and its staff in evaluating the evidence received in a proceeding, the commission may communicate *ex parte* with employees of the department who have not participated in the proceeding or in the processing of the matter being considered. In addition, the commission may request that the executive director assign to the commission one or more department employees who have not participated in the proceedings to assist in the evaluation of the evidence. [When the commission desires to utilize the special skills of the department in evaluating the evidence received at the hearing in connection with any matter, it shall request in writing to the executive director the assignment of appropriate personnel who have not

Chapter 269. Procedures after Public Hearing before an Examiner

31 TAC §269.2

The Texas Water Commission proposes an amendment to §269.2, concerning pleadings prior to issuance of proposals for decision. The amendment would require that only the original of a brief or proposed findings of fact need be filed with the examiner prior to issuance of the proposal for decision, rather than the five copies now required.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to save parties in commission hearings the time and expense of filing five copies of pleadings. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§269.2. Pleadings Prior to Proposal for Decision. Prior to the issuance of a proposal for decision, briefs or proposed findings of fact may be filed when permitted or requested by the examiner. The original document [Five copies] shall be delivered or mailed to the examiner. Copies shall also be served on all parties with certification of service furnished to the examiner. Failure to provide copies may be grounds for withholding consideration of the pleadings.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834006      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.



### 31 TAC §269.5

The Texas Water Commission proposes an amendment to §269.5, concerning waiver of a party's right to review and comment upon an examiner's proposal for decision. The amendment would correct the rule to provide that such waiver can be in writing or stated on, not into, the record at the hearing.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be clarification of the procedure for waiver of the right to review and comment upon proposals for decision. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

**§269.5. Waiver of Right to Review Examiner's Proposal.** Any party may waive the right to review and comment upon the examiner's proposal for decision. The waiver may [either] be either in writing or stated on [into] the record at the hearing.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834007      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

### 31 TAC §269.6

The Texas Water Commission proposes amendments to §269.6, concerning pleadings after issuance of proposals for decision. The amendments would more closely conform the rule to the Administrative Procedure and Texas Register Act, §15, by providing that only parties who are adversely affected have the right to file exceptions or present briefs to the commission concerning an examiner's proposal for decision, unless such right is waived under §269.5 of this title, relating to waiver of right to review examiner's proposal. The amendments would further provide that only the original exception or brief would need to be filed with the commission, rather than the five copies which are currently required.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be clarification of who has the right to file exceptions and present briefs concerning proposals for decision and the effect of waiver such right and to save time and expense for persons who do file. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendments are proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

**§269.6. Pleadings Following Proposal for Decision.** [Within 10 days after the date of issuance of the proposal for decision,] Unless right of review has been waived under §269.5 of this title (relating to Waiver of Right to Review Examiner's Proposal), any adversely affected party may, within 10 days after the date of issuance of the proposal for decision, file exceptions or briefs by delivering the original documents [five copies] to the commission. Proposed findings of fact may be submitted [filed] in the same manner when permitted or requested by the commission [examiner]. Any replies to exceptions, briefs, or proposed findings of fact shall be filed in the

same manner within 20 days after the date of issuance of the proposal for decision. Copies of all exceptions, briefs, proposed findings of fact, and replies shall be served promptly on all other parties with certification of service furnished to the commission. Failure to provide copies may be grounds for withholding consideration of the pleadings.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on June 1, 1983.

TRD-834008 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

**The final decision, if adverse to any party, shall include findings of fact and conclusions of law separately stated.** If any party has filed proposed findings of fact, [to the examiner] the commission will include in its final decision a ruling on the proposed findings of fact, unless waived by the party.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834009 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

### 31 TAC §269.9

The Texas Water Commission proposes an amendment to §269.9, concerning final decisions. The amendment would make it clear that the commission may enter a final decision in less than 20 days after issuance of a proposal for decision if the parties have waived their right to review or comment upon the proposal for decision under §269.5 of this title, relating to waiver of right to review examiner's proposal.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be faster commission consideration of an examiner's proposal for decision where the parties have waived their right to review and comment upon the proposal for decision. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

**§269.9. Final Decision.** [Upon the expiration of 20 days following service of the examiner's proposal for decision,] The commission shall [may by written order] make its final decision upon the expiration of 20 days or later following service of the examiner's proposal for decision, unless the parties have waived review under §269.5 of this title (relating to Waiver of Right to Review Examiner's Proposal) [which, if adverse to any party, shall include findings of fact and conclusions of law separately stated].

## Chapter 271. Procedures after Public Hearing before the Full Commission

### 31 TAC §271.1

The Texas Water Commission proposes an amendment to §271.1, concerning briefs or proposed findings of fact filed prior to a final decision in hearings conducted by a majority of the commission. The amendment would require that only the original brief or proposed findings of fact be filed, rather than the five copies now required.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to save time and expense for those persons filing pleadings after hearings before the commission. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

**§271.1. Pleadings Prior to Final Decision.** In matters heard before a majority of the commission, briefs or proposed findings of fact may be filed when permitted or requested by the commission. The original documents [Five copies] shall be filed with the commission, and copies shall [also] be served on all other parties with certification of service furnished to the commission. Failure

to provide copies may be grounds for withholding consideration of the pleadings.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834010 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

(c)-(g) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834011 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

## Chapter 275. Special Provisions Water Rights Adjudication

### 31 TAC §275.16

The Texas Water Commission proposes an amendment to §275.16, concerning the filing of contests to preliminary determinations on claims of water rights. The amendment would conform the rule to the Texas Water Code, §11.313, by specifying that only a water right claimant affected by a preliminary determination can file a written contest to it.

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the elimination of a conflict between the rule and the Texas Water Code as to who can file contests. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

#### §275.16. Contests to Preliminary Determination.

(a) (No change.)

(b) Filing of contest. Any water right claimant [person] affected by the preliminary determination, including any claimant to water rights within the river basin but outside the segment under adjudication, who disputes the preliminary determination may, within the time for filing contests prescribed by the commission in the notice, including any extensions of the time, file a written contest with the commission.

### 31 TAC §275.18

The Texas Water Commission proposes amendments to §275.18, concerning final determinations on claims of water rights. The amendment to §275.18(a) would conform the rule to the Administrative Procedure and Texas Register Act, §15, by specifying that only parties adversely affected by a proposed final decision may file exceptions and present briefs to the commission concerning it. The amendment to §275.18(b) would clarify when the adjudication hearings are closed and would clarify the method of sending copies of the final determination by changing "regular mail" to the more familiar "first-class mail." The amendment to §275.18(c) would conform the rule to the Administrative Procedure and Texas Register Act, §16, by requiring that applications for rehearing of a final determination to be filed within 15 days after the effective date of the final determination. Section 275.18(d)(1) is deleted since it is inconsistent with the Administrative Procedure and Texas Register Act, §16, as to applications for rehearing of a final determination. The amendment to §275.18(d)(3) would clarify the method of sending copies of modified final determinations by changing "regular mail" to the more familiar "first-class mail."

Mary Ann Hefner, chief clerk, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Hefner has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the clarification of the rules and elimination of confusion by conforming the rules to the Administrative Procedure and Texas Register Act. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendments are proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

**§275.18. Final Determination and Appeal**

(a) Proposed final decision. When a majority of the commission have not heard the contest or read the record, the examiner who presided at the contest or one who has read the record shall prepare a proposal for final decision on the department's official mailing list for the adjudication segment. The proposed final decision shall contain a statement of the reasons therefor and a statement of each finding of fact and conclusion of law necessary to the proposed final decision. Any party adversely affected [person] may file exceptions and present briefs to the commission concerning the proposal for final determination within the time limit stated in the notice of the proposal for final determination. The parties may waive compliance with this rule by written stipulation filed with the commission.

(b) Final determination. The adjudication hearings shall be closed at the conclusion of the last contest hearing [or oral argument, whichever is later]. The commission will make a final determination of the claims to water rights in the adjudication within 60 days after the closing of the adjudication hearings, provided that where the case was not heard by the commissioner, the examiner may set a reasonable time for the issuance of a final determination and shall announce such extension at the closing of the adjudication hearings. The commission shall send a copy of the final determination, and any modification thereof, by first-class [regular] mail to each person of record on the department's official mailing list for the stream or segment being adjudicated as required by the Texas Water Code, §11.315.

(c) Notice of final determination. The commission shall send a notice of the final determination by first-class mail to each claimant of water rights within the river basin in which the segment is located, to the extent that the claimants can be reasonably ascertained from the records of the department, and to each other person on the department's official mailing list for the segment being adjudicated.

(1) Each notice shall state the following:

(A)-(B) (No change.)

(C) the date by which applications for rehearing must be filed, which shall be not more [less] than 15 [30] days from the effective date of the final determination.

(2) The commission will provide in the final determination and notice thereof the effective date of the determination to provide a sufficient period of time within which the determination and notice can be printed and mailed.

(d) Application for rehearing of final determination. An application for rehearing is the same as a motion for rehearing under Texas Civil Statutes, Article 6252-13a, §16, and is a prerequisite to filing an exception to the final determination under the Texas Water Code, §11.318, *et seq.*

(1) Within 30 days after the effective date of the final determination, any affected party may apply to the commission for a rehearing. Any other party may reply to an application for rehearing within 10 days after the expiration of the time limit for the filing of applications for rehearing. Within 45 days after the effective date of the final determination, the commission shall take action

either granting or denying the applications for rehearing. If the commission fails to take action either granting or denying the applications for rehearing within this time, the applications are overruled by operation of law. The commission may extend the time for filing the applications and replies and taking the period for commission action beyond 90 days after the effective date of the final determination. In the event of an extension of time, the application for rehearing is overruled by operation of law on the date fixed by the order or, in the absence of a fixed date, 90 days after the effective date of the final determination. Applications for rehearing which, in the opinion of the commission are without merit, may be denied without notice to other parties, but no application for rehearing shall be granted without notice to each person on the department's official mailing list for the segment being adjudicated.]

(1) [(2)] If an application for rehearing is granted, the commission shall issue notice setting forth the substance of the application and setting the time and place of the hearing. Notice shall be sent in the same manner provided for in contest hearings.

(2) [(3)] If the final determination is modified after a rehearing, the commission shall send a copy of the modified final determination by first-class [regular] mail to each person on the department's official mailing list for the segment being adjudicated. However, if the modifications are such that they are likely to substantially affect the rights of other water right holders within the basin but outside the watershed or segment being adjudicated, then a summary of the modifications shall also be sent to all other water right holders in the basin.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 1, 1983.

TRD-834012      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-4514.

**Part X. Texas Water Development Board**  
**Chapter 355. Water Loan Assistance Fund**  
**Water Conservation, Water Quality, and Water Development Planning and Research and Flood Control Planning Fund**

31 TAC §355.101, §355.106

The Texas Water Development Board proposes amendments to §355.101 and §355.106, concerning criteria for funding. These amendments will require

local, federal, or private participation in flood planning projects of a minimum of 25% of the cost of the project.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state government as a result of enforcing or administering the rules. The effect on local government will be an estimated additional cost of \$83,333 in 1984; \$83,334 in 1985; and \$83,333 in 1986.

Mr. Hodges has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be to conserve the fund so that more cities can participate and more projects can be completed for flood planning. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Herbert W. Grubb, Director of Planning and Development, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-3821.

These amendments are proposed under the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. The rules are also proposed under the authority of the Texas Water Code, §15.003, which gives the Texas Water Development Board specific authority to adopt rules relating to the water assistance fund authorized by the Texas Water Code, Chapter 15.

**§355.101. Criteria for Funding.**

(a) [On the basis of the language of the Texas Water Code, Subchapter F, and expressed concerns of water policy makers,] Water conservation, water quality, and water development planning and research contracts shall be awarded on the basis of the language of the Texas Water Code, Chapter 15, Subchapter F, and expressed concerns of water policy makers and the following general fund criteria:

(1)-(5) (No change.)

(b) [On the basis of the language of the Texas Water Code, §15.405, and expressed concerns of water policy makers,] Flood control planning contracts shall be awarded on the basis of the language of the Texas Water Code, §15.405, and expressed concerns of water policy makers and the following general funding criteria:

(1)-(3) (No change.)

(4) that the projects for which flood control planning is undertaken [undertaking] have [the potential of drawing] federal, private, or local participation, in the amount of a minimum of 25% of the cost of the project. [or of leading to subsequent support by such sources, so long as] The matching requirements of cooperating funding agencies may [do] not modify the basic direction of the planning mission as specified by the Texas Department of Water Resources;

(5) that federal, private, or local participation may be in the form of cash or in-kind services or a combination of both;

(6) [(5)] that the flood control planning projects neither be repetitive of nor substitute for existing flood control planning; and

(7) [(6)] that the flood control planning projects fall within the scope of research and planning related to supplemental water supplies and water conservation technologies, insofar as possible.

(c) (No change.)

**§355.106. Disbursement of Contracted Funds and Project Cost Accounting.**

(a) Two vehicles for contracting may [will] be used for contracts. An "interagency contract" governed by the State Purchasing and General Services Commission will be used for contracting with state agencies and state universities. For local political subdivisions and for private contractors, a "professional services" contract between the contractor and the department will be drawn. In both instances, contracts entered into shall contain terms and conditions considered appropriate to protect the interests of the state and those of the contractor.

(b)-(d) (No change.)

(e) All computer programs and/or models that are developed are to be compatible with [installed on] the department's computer hardware for use by department staff and others, as appropriate.

(f) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 3, 1983.

TRD-834022

Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-7845.

## Chapter 359. Water Quality Management Lake Travis and Lake Austin Water Quality

### 31 TAC §§359.1-359.5

The Texas Water Development Board proposes new §§359.1-359.5, concerning water quality management in the Lake Austin and Lake Travis watersheds.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Hodges has also determined that for each year of the first five years the rules as proposed are in effect



the public benefit anticipated as a result of enforcing the rules as proposed will be the continued maintenance of the high quality of water in Lake Travis and Lake Austin. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

On Tuesday, May 3, 1983, a public meeting was convened in the Stephen F. Austin Building in Austin to discuss the need for a rulemaking action to limit the discharge of treated sewage effluent into the Lake Travis and Lake Austin watersheds and to discuss the approach of any rulemaking. Approximately 100 members of the public, Texas Department of Water Resources (TDWR) staff, and municipal and state officials attended. Thirty-two different people made presentations to the staff panel.

Three alternatives of possible Texas Water Development Board (TWDB) actions were presented in a public meeting notice in the *Texas Register* on April 19, 1983, and at the meeting by TDWR staff.

Alternative I provided for the prohibition of discharges from new or expanded wastewater treatment plants into the Colorado River, including Lakes Travis and Austin, between Wirtz and Tom Miller Dams; the Pedernales River upstream to a point 15 river miles from the 681 foot mean sea level pool elevation contour line on Lake Travis; and all other tributaries, in their entirety, which empty into Lake Travis and Lake Austin. Existing facilities in the areas described would be subject to the no discharge requirement at the expiration of one full term permit renewal period.

Alternative II provided for a limited no discharge policy to be implemented on Lakes Travis and Austin between Max Starcke and Tom Miller Dams and also applicable to their tributaries within five stream miles of the respective conservation pool levels of the lakes. At a distance of greater than five stream miles, the department would evaluate the discharge applications on a case-by-case basis. An existing authorized facility would retain its permit and could apply for renewal of the permit with the same terms and conditions unless the facility becomes noncompliant or expansion of treatment capacity is needed. This approach would require treatment prior to land disposal (irrigation) of the effluent after containment in either on-channel or off-channel storage ponds. The sizing and freeboard requirements of off-channel storage ponds would be established on a case-by-case basis and would include a storage requirement based on a design rainfall year with a return frequency of 25 years. The secondary waste treatment required prior to discharge into an off-channel storage pond would generally be 20 milligrams per liter Biochemical Oxygen Demand (BOD<sub>5</sub>) and 20 milligrams per liter Total Suspended Solids (TSS). The sizing of on-channel storage ponds would be established on a case-by-case basis in order to assure that the ponds could overflow only when the ratio of treated effluent to stormwater is less than or equal to 1:10. The level of treatment required prior to discharge into an on-channel pond would be 10

milligrams per liter BOD, 15 milligrams per liter TSS, and chlorination.

Alternative III provided that no rulemaking be undertaken by the TWDB at this time.

Of the testimony received, the vast majority of the comments indicated a need for a rule to be established for Lakes Travis and Austin, with 27 of 32 commentators asking for one form or another of Alternatives I and II.

Of the testimony received against rulemaking which involved approximately 16% of the total number of citizens making comment, the general commentary indicated that both lakes have been protected by the TDWR in the past and that the need for such action is not particularly pressing in light of the general excellent quality of the lakes at this time. The supporters of Alternative III included the representatives of Lakeway and Lakeway Municipal Utility District, the City of Burnet, and Albert Ullrich, a former City of Austin director of water and wastewater.

Of those in favor of rulemaking, which included approximately 84% of the total number of citizens making comment, many expressed fear and concern that current TDWR procedures could result in the eventual degradation of the two lakes thereby reducing their value to the community and state for recreational waters, tourist attractions, and raw drinking water supply. Others, particularly Mr. Bloom of Travis County Municipal Utility District 1, Mr. Alton and Mr. Allison of the City of Marble Falls, and Mr. Cooksey (private citizen), indicated that if a rule were to be passed, it should be of an interim nature that would allow the state to more carefully examine the needs of not only Lakes Travis and Austin, but all of the reservoirs of similar quality in Texas, and that while the "no discharge" policy may be a good idea, it could have unwanted side effects such as the proliferation of septic tanks in the lake drainage basins.

Of those in favor of the strict "no discharge" policy, many members of environmental action groups presented testimony. Members of the Protect Lake Travis Association, the Lake Travis Improvement Association, We Care Austin, and the Sierra Club presented testimony. Testimony was also received from representatives of the Austin Yacht Club, the City of Austin Planning Commission, Lake Austin Hill Country Association, the West Austin Neighborhood Association, the Central Texas Council of the Girl Scouts of America, the Governor's Select Committee on Water Quality Standards for Lake Travis and Lake Austin, and the attorney general of the State of Texas. These representatives were in favor of the no discharge policy for Lakes Travis and Austin but were not always specific as to whether they favored all or portions of the elements of either Alternative I or Alternative II.

After reviewing available information, including the testimony presented at the May 3, 1983, public meeting, the executive director has decided to propose the adoption of rules consistent with Alternative II which incorporate the major elements of the Governor's

Select Committee recommendations. The rules increase the zone of limited no discharge from five to 10 stream miles, thereby increasing the protection for the existing water quality in Lakes Travis and Austin. The department will continue to evaluate other economically and technically feasible methods of preserving the excellent water quality of Lakes Travis and Austin and may in the future consider extension, revision, or revocation of these rules.

Comments on the proposal may be submitted to Gilbert E. Kretzschmar, Jr., Assistant Executive Director, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The new sections are proposed under the Texas Water Code, §§131 and 132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers under the Water Code.

**§359.1. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Lake Austin water quality area**—Those portions of the Lake Austin watershed within 10 stream miles of the normal conservation pool level of Lake Austin (492.8 feet, mean sea level).

**Lake Austin watershed**—Lake Austin and its tributaries located between Tom Miller Dam and Mansfield Dam.

**Lake Travis water quality area**—Those portions of the Lake Travis watershed within 10 stream miles of the normal conservation pool elevation of Lake Travis (681 feet, mean sea level).

**Lake Travis watershed**—Lake Travis and its tributaries located between Mansfield Dam and Max Starcke Dam, but only that part of the Pedernales River and its tributaries within 15 stream miles of the normal conservation pool elevation of Lake Travis.

**§359.2. No Discharge of Pollutants.** There shall be no discharge of pollutants into the Lake Austin water quality area or the Lake Travis water quality area except as provided in this undesignated head.

**§359.3. Wastewater Disposal.** Any proposed sewage treatment facility in the Lake Austin or Lake Travis water quality area will be required to provide secondary treatment in accordance with one of the following options:

(1) The treatment facility will provide treatment as specified in Effluent Sets 2 and A in §327.4 of this title (relating to Effluent Standards for Domestic Wastewater Treatment Plants) prior to discharge into on-channel ponds. Such ponds will be designed, constructed, and operated to meet standards established on a case-by-case basis that will assure that any overflows of treated ef-

fluent only occur when the volume of effluent to stormwater in the pond is less than or equal to 1:10. Standards will include, but are not limited to, a minimum pond size requirement based on hydrological studies of the drainage area of the pond and allowable irrigation rates as determined in accordance with §325.30(c) of this title (relating to Land Disposal of Sewage Effluent-Irrigation); or

(2) The treatment facility will provide secondary treatment as specified in §§327.1-327.4 (relating to Domestic Wastewater Treatment Plants) prior to discharge into storage ponds for land disposal. Storage ponds and land disposal practices will be designed, constructed, and operated in accordance with §325.30(c) of this title (relating to Land Disposal of Sewage Effluent-Irrigation).

**§359.4. Existing Facilities in Water Quality Areas.**

(a) Any currently permitted treatment facility in the Lake Austin or Lake Travis water quality areas may continue operation in accordance with the terms and conditions of the existing permit.

(b) Any modification of a facility described in subsection (a) of this section which requires a permit amendment and which results in additional treatment capacity will also require treatment as described in §359.3 of this title (relating to Wastewater Disposal) for the total wastewater flow of the permitted facility.

(c) Any permitted facility not meeting its permit limitations because of overloading of sewage will be subject to amendment as described in §341.225 of this title (relating to Amendment) in order to impose permit limitations consistent with §359.3 of this title (relating to Wastewater Disposal).

**§359.5. Lake Austin and Lake Travis Watershed Management.**

Any proposed new or expanded treatment facility in the Lake Austin or Lake Travis watersheds but outside the Lake Austin or Lake Travis water quality areas may be permitted only if it provides disposal without discharge in accordance with §359.3 of this title (relating to Wastewater Disposal) or if the applicant establishes that any alternative proposed wastewater treatment and disposal will consistently protect and maintain the existing water quality of Lake Austin and/or Lake Travis.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 6, 1983.

TRD-834054 Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Earliest possible date of adoption:  
July 11, 1983

For further information, please call (512) 475-7845.

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

# Adopted Rules

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 21. Seed Certification Standards General Requirements

### 4 TAC §21.11

The Texas Department of Agriculture adopts an amendment to §21.11, without changes to the proposed text published in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1372).

Section 21.11(c) has been amended to obviate the need to print new seed labels each time a personnel change occurs which involves either the commissioner of the Texas Department of Agriculture or the director of the seed division. By eliminating the need to print new labels each time a personnel change occurs in any of those areas, a savings will result in reduced cost in labor and materials. The decision has been made to allow existing labels to remain valid.

In accordance with the Texas Agriculture Code, Chapter 62, (1981), the Texas Department of Agriculture is the certifying agency in Texas for the certification of seed and plants. A person who is licensed as a certified seed or plant producer is eligible to produce seed or plants of an eligible class and variety certified by

the department on request. After inspection, if the department determines that the production of seed or plants has met the standards and rules prescribed by the State Seed and Plant Board, it shall issue labels to the producer identifying the seed or plant, the certified class, and other information required by statute or by rule of the State Seed and Plant Board.

No comments were received regarding adoption of the amendment.

The amendment is adopted in accordance with the Texas Agriculture Code, Chapters 12 and 62, (1981). Specifically, §62.008 authorizes the department to be the certifying agency in Texas; §12.001 authorizes the department to execute all applicable laws relating to agriculture; and §12.016 authorizes the department to adopt rules as necessary for the administration of §12.001.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 1, 1983.

TRD-833951      Jim Hightower  
Commissioner  
Texas Department of Agriculture

Effective date: June 22, 1983  
Proposal publication date: April 29, 1983  
For further information, please call (512) 475-6346.

# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Aeronautics Commission

**Friday, July 1, 1983, 10 a.m.** The Air Carrier Division of the Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda, the commission will conduct a hearing on the application of N. M. Mitchell, Inc., doing business as Wise Airlines, for a Texas air carrier certificate of operating authority to provide scheduled passenger service between the points of San Angelo and Midland/Odessa.

**Contact:** Thomas L. Butler, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

**Filed:** June 6, 1983, 10:39 a.m.  
TRD-834056

## Texas Education Agency

**Thursday, June 9, 1983, 1:30 p.m.** The State Board of Education Committee for Vocational Education and High Technology of the Texas Education Agency (TEA) met in emergency session in Room 101, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the com-

mittee considered the vocational education study. The emergency status was necessary to allow the committee additional time to discuss this item which is scheduled for review by the full board on Saturday, June 11.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** June 6, 1983, 3:43 p.m.  
TRD-834079

**Friday, June 10, 1983, 7:30 a.m.** The State Board of Education Committee for Internal Rules of the Texas Education Agency made an emergency addition to the agenda of a meeting to be held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The addition concerns travel for State Board of Education members. The emergency status is necessary so that travel can be approved in advance in accordance with board operating rules.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** June 6, 1983, 3:43 p.m.  
TRD-834080

**Friday, June 10, 1983, 8:30 a.m.** The State Board of Education Committee for Rules,

Budget, and Finance of the Texas Education Agency made an emergency addition to the agenda of a meeting to be held in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. The revision concerns the position paper on the state of public education in Texas. The emergency status is necessary for restatement of the State Board of Education's position following the 68th Legislative Session.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701 (512) 475-3271.

**Filed:** June 6, 1983, 3:42 p.m.  
TRD-834081

**Saturday, June 11, 1983, 8:30 a.m.** The State Board of Education of the Texas Education Agency made emergency additions to the agenda of a meeting to be held in the Joe Kelly Butler board room, TEA North Building, 1200 East Anderson Lane, Austin. One addition concerns travel for State Board of Education members. The emergency status is necessary so that travel can be approved in advance in accordance with board operating rules. The other addition concerns the position paper on the state of public education in Texas. The emergency status is necessary for restatement of the State Board of Education's

position following the 68th Legislative Session.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701 (512) 475-3271.

**Filed:** June 6, 1983, 3:43 p.m.  
TRD-834082, 834083

**Friday, June 17, 1983, 8:30 a.m.** The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet in the Highland Room, Hilton Inn, 6000 Middle Fiskville Road, Austin. Items on the agenda summary include reports from the deputy commissioner for finance and program administration, the Department of Special Education, Special Education Division directors, the monitoring bulletin and state plan, the annual report of the Continuing Advisory Committee for Special Education for 1982-1983; a Comprehensive School Health Advisory Committee joint position statement regarding the private physician's role in special education; updates on the implementation plan for the Texas Education Code, §21.101, and standards for certification on special education teachers; and recommendations concerning proposed State Board of Education rules for special education.

**Contact:** Susan K. Thomas, 201 East 11th Street, Austin, Texas 78701, (512) 834-4410.

**Filed:** June 6, 1983, 3:43 p.m.  
TRD-834084



### **Texas Employment Commission**

**Tuesday, June 14, 1983, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider and act on higher level appeals in unemployment compensation cases listed on Docket 24 and set the date of the next meeting.

**Contact:** Courtenay Browning, TEC Building, Room 608, Austin, Texas 78701, (512) 397-4415.

**Filed:** June 6, 1983, 4:27 p.m.  
TRD-834088

### **Office of the Governor**

**Tuesday and Wednesday, June 21 and 22, 1983, 1 p.m. and 9 a.m., respectively.** The Office of Planning and Intergovernmental Relations of the Office of the Governor will meet at the Texas A&M Auditorium, Amarillo, and on the 10th floor, Two Civic Center Plaza, El Paso. According to the agenda summary, a series of public hearings will be held to obtain public comments from citizens, local officials, and private groups regarding state administration of the following block grants: preventive health and health service; maternal and child health services; alcohol, drug abuse, and mental health; Title XX social services; low income energy assistance; and community services. At these hearings, state agency representatives will provide descriptions of each block grant and explain the proposed use of funds for federal fiscal year 1984, beginning October 1, 1983. Copies of the draft intended use reports will be available at the hearings. Written or oral comments that are received will be used to prepare final intended use reports. Copies of the draft reports will be available in advance at each regional council of governments and at the hearings.

**Contact:** Tom Adams, Sam Houston Building, Room 208, Austin, Texas 78701, (512) 475-6156.

**Filed:** June 6, 1983, 10:57 a.m.  
TRD-834059, 834060

**Thursday and Friday, June 23 and 24, 1983, 10 a.m. and 9 a.m., respectively.** The Office of Planning and Intergovernmental Relations of the Office of the Governor will meet at the North Central Texas Council of Governments Conference Room, 616 Six Flags Drive, Arlington, and at Odessa City Hall, 411 West Eighth Street, Odessa. According to the agenda summary, a series of public hearings will be held to obtain public comments from citizens, local officials, and private groups regarding state administration of the following block grants: preventive health and health service; maternal and child health services; alcohol, drug abuse, and mental health; Title XX social services; low income energy assistance; and community services. At these hearings, state agency representatives will provide descriptions of each block grant and explain the proposed use of funds for federal fiscal year 1984, beginning October 1, 1983. Copies of the draft intended use reports will be available at the hearings. Written or oral comments that are received will be used to prepare final intended use reports. Copies of the draft reports will be available in advance

at each regional council of governments and at the hearings.

**Contact:** Tom Adams, Sam Houston Building, Room 208, Austin, Texas 78701, (512) 475-6156.

**Filed:** June 6, 1983, 10:53 a.m.  
TRD-834061, 834062

**Tuesday and Wednesday, June 28 and 29, 1983, 1 p.m. and 9 a.m., respectively.** The Office of Planning and Intergovernmental Relations of the Office of the Governor will meet at the La Posada Hotel, 100 North Main, McAllen, and at Jean Browne Theatre, South Mahon at East Fifth, Tyler. According to the agenda summary, a series of public hearings will be held to obtain public comments from citizens, local officials, and private groups regarding state administration of the following block grants: preventive health and health service; maternal and child health services; alcohol, drug abuse, and mental health; Title XX social services; low income energy assistance; and community services. At these hearings, state agency representatives will provide descriptions of each block grant and explain the proposed use of funds for federal fiscal year 1984, beginning October 1, 1983. Copies of the draft intended use reports will be available at the hearings. Written or oral comments that are received will be used to prepare final intended use reports. Copies of the draft reports will be available in advance at each regional council of governments and at the hearings.

**Contact:** Tom Adams, Sam Houston Building, Room 208, Austin, Texas 78701, (512) 475-6156.

**Filed:** June 6, 1983, 10:53 a.m.  
TRD-834063, 834064

**Thursday and Friday, June 30 and July 1, 1983, 10 a.m. and 9 a.m., respectively.** The Office of Planning and Intergovernmental Relations of the Office of the Governor will meet at the Houston-Galveston Area Council, 3701 West Alabama, Houston, and at the Alamo Area Council of Governments, 118 Broadway, San Antonio. According to the agenda summary, a series of public hearings will be held to obtain public comments from citizens, local officials, and private groups regarding state administration of the following block grants: preventive health and health service; maternal and child health services; alcohol, drug abuse, and mental health; Title XX social services; low income energy assistance; and community services. At these hearings, state agency representatives will provide descriptions of each block grant and explain the

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proposed use of funds for federal fiscal year 1984, beginning October 1, 1983. Copies of the draft intended use reports will be available at the hearings. Written or oral comments that are received will be used to prepare final intended use reports. Copies of the draft reports will be available in advance at each regional council of governments and at the hearings.

**Contact:** Tom Adams, Sam Houston Building, Room 208, Austin, Texas 78701, (512) 475-6156.

**Filed:** June 6, 1983, 10:52 a.m.  
TRD-834065, 834066

### Texas Health Facilities Commission

**Friday, June 17, 1983, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Amburg of Houston, Houston  
AS82-1231-317

Westgate Hospital and Medical Center,  
Denton

AH83-0225-138

Spohn Hospital, Corpus Christi  
AH83-0217-124

**Contact:** John R. Neel, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940.

**Filed:** June 6, 1983, 9:20 a.m.  
TRD-834050

### State Board of Insurance

**Monday, June 6, 1983, 1 p.m.** The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board discussed proposed litigation. The emergency status was necessary due to time constraints.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

**Filed:** June 3, 1983, 3:50 p.m.  
TRD-834044

**Monday, June 13, 1983, 2:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will reopen a public hearing to determine whether G.I.C. Insurance Company, San

Antonio, has complied with Commissioner's Order 82-2908, dated August 16, 1982.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 3, 1983, 2:28 p.m.  
TRD-834041

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

**Tuesday, June 14, 1983, 9 a.m.** Docket 7173—whether the certificate of authority to do business in Texas held by Gramercy Insurance Company, Houston, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:51 p.m.  
TRD-834067

**Tuesday, June 14, 1983, 10:30 a.m.** Docket 7176—whether the certificate of authority to do business in Texas held by Dominion Insurance Company of America, New York, New York, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:51 p.m.  
TRD-834068

**Tuesday, June 14, 1983, 1:30 p.m.** Docket 7189—whether the title insurance agent's license held by Peoples Abstract Company, Hallettsville, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:51 p.m.  
TRD-834069

**Wednesday, June 15, 1983, 9 a.m.** Docket 7187—whether the Group I legal reserve life insurance agent's license held by John A. Scotti should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:51 p.m.  
TRD-834070

**Thursday, June 16, 1983, 9 a.m.** Docket 7159—application of Dallas National Life Insurance Company, Dallas, for original charter.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:51 p.m.  
TRD-834071

**Thursday, June 16, 1983, 1:30 p.m.** Docket 7182—whether the title insurance agent's license held by Birdwell Abstract Company, Seminole, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:52 p.m.  
TRD-834072

**Thursday, June 16, 1983, 3 p.m.** Docket 7175—whether the title insurance agent's license held by Pearson Abstract and Title Company, Henderson, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** June 6, 1983, 2:52 p.m.  
TRD-834073

### Texas Juvenile Probation Commission

**Friday, June 10, 1983, 10 a.m.** The Texas Juvenile Probation Commission revised the agenda of a meeting to be held at 2015 IH 35 South, Austin. According to the revised agenda, the commission will consider approval of the April 22, 1983, minutes; the director's report; a legislative update; approval of a juvenile board training grant amendment, state aid fund distribution, the policies on unexpended state aid funds in 1982 and 1983 budgets, and use of discretionary funds; and a work session regarding adoption of commission standards.

**Contact:** Bill Anderson, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

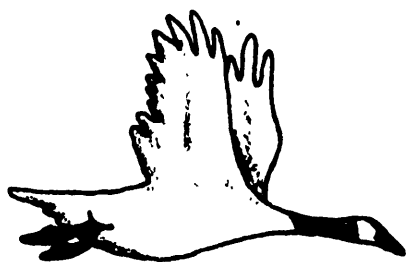
**Filed:** June 2, 1983, 12:56 p.m.  
TRD-834013

### Texas Pork Producers Board

**Wednesday, June 15, 1983, 7 p.m.** The Texas Pork Producers Board of the Texas Department of Agriculture will meet in Room 103, Lubbock Civic Center, Avenue O and Eighth Street, Lubbock. Items on the agenda include reports from the Research, Education, Finance and Check-Off, and Promotion Committees; approval of the proposed 1983-1984 budget; and election of board officers.

**Contact:** Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

**Filed:** June 7, 1983, 8:29 a.m.  
TRD-834089



### Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and agendas follow.

**Monday, June 13, 1983, 9 a.m.** A rescheduled prehearing conference in Docket 5165—application of Denton County Electric Cooperative, Inc., for a rate increase. The prehearing conference was originally scheduled for June 7, 1983.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 2:31 p.m.  
TRD-834015

**Monday, June 13, 1983, 1:30 p.m.** A second prehearing conference in Docket 5100—application of Associates Utility Company for a water rate increase.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 3, 1983, 10:20 a.m.  
TRD-834020

Addition to the above agenda:

A prehearing conference in Docket 5151—application of Kalita Point Utilities for a water rate/tariff revision.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 3, 1983, 2:57 p.m.  
TRD-834043

**Friday, June 24, 1983, 10 a.m.** A prehearing conference in Docket 5141—petition of Southwestern Bell Telephone Company for approval of a tariff to allow customers to install and maintain an inside premises wire.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 10:21 a.m.  
TRD-833987

**Friday, July 1, 1983, 10 a.m.** A prehearing in Docket 5124—application of Military Highway Water Supply Corporation to amend its certificate of convenience and necessity in Hidalgo County.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 10:24 a.m.  
TRD-833988

**Friday, July 1, 1983, 1:30 p.m.** A prehearing in Docket 5129—application of Military Highway Water Supply Corporation to amend its certificate of convenience and necessity in Hidalgo County.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 10:24 a.m.  
TRD-833989

**Monday, July 18, 1983, 10 a.m.** A hearing in Docket 5024—application of West Lakeview Water Supply Corporation for a certificate of convenience and necessity to provide water utility service within Johnson County.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 6, 1983, 10:39 a.m.  
TRD-834057

**Thursday, July 28, 1983, 10 a.m.** A hearing in Docket 5164—application of Tri-County Electric Cooperative, Inc., for a rate increase.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 6, 1983, 2:42 p.m.  
TRD-834074

**Monday, August 15, 1983, 10 a.m.** A hearing in Docket 5141—petition of Southwestern Bell Telephone Company for approval of a tariff to allow customers to install and maintain inside premises wire.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 10:21 a.m.  
TRD-833990

**Tuesday, November 1, 1983, 10 a.m.** A hearing in Docket 5070—petition of the Dow Chemical Company to require Houston Lighting and Power Company to make

monthly capacity payments to small electric power producers and cogenerators.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1983, 10:25 a.m.  
TRD-833991

### Railroad Commission of Texas

**Monday, June 6, 1983, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerned whether or not to institute legal action against Trinity River Authority of Texas. The emergency status was necessary so that legal action might be instituted to prevent ongoing pollution that is an immediate threat to the public welfare.

**Contact:** Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229.

**Filed:** June 3, 1983, 4:02 p.m.  
TRD-834045

**Monday, June 13, 1983, 9 a.m.** Divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

**Filed:** June 3, 1983, 12:03 p.m.  
TRD-834027

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

**Filed:** June 3, 1983, 12:02 p.m.  
TRD-834028

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

**Filed:** June 3, 1983, 12:04 p.m.  
TRD-834029

## Texas Register

The Gas Utilities Division will meet in Room 107 to consider gas utilities Dockets 4048, 4060, 4061, 4064, 4058, 4059, 4070, 4071, and the director's report.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

**Filed:** June 3, 1983, 12:03 p.m.  
TRD-834030

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

**Filed:** June 3, 1983, 12:02 p.m.  
TRD-834031

The LP-Gas Division will meet in the first floor auditorium to consider final agreed orders in Dockets 270 (Bob's LP-Gas, Inc.) and 271 (Pat's Propane, Inc.); final adoption of 16 TAC §9.171; and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711.

**Filed:** June 3, 1983, 12:05 p.m.  
TRD-834032

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

**Contact:** Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

**Filed:** June 3, 1983, 12:03 p.m.  
TRD-834033

Additions to the above agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

**Filed:** June 3, 1983, 12:02 p.m.  
TRD-834034

Consideration of a staff recommendation to file a grant application with the U.S. Environmental Protection Agency for the underground injection control program in the

amount of \$7,350 in reallocated funds for fiscal year 1983.

**Contact:** Jerry W. Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

**Filed:** June 3, 1983, 12:03 p.m.  
TRD-834035

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

**Filed:** June 3, 1983, 12:03 p.m.  
TRD-834036

The Office of the Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** June 3, 1983, 12:04 p.m.  
TRD-834037

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider the motion(s) for rehearing in the permit application of the Lower Colorado River Authority in Docket 16, the application of the Lower Colorado River Authority for self-bonding under Docket 16, and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** J. Randel (Jerrv) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

**Filed:** June 3, 1983, 12:02 p.m.  
TRD-834038

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the commission's transportation regulatory jurisdiction.

**Contact:** Sandy Yates, 1124 IH 35 South, Austin, Texas 78704.

**Filed:** June 3, 1983, 12:04 p.m.  
TRD-834039

### State Commission on Standards for the Teaching Profession

**Friday, June 17, 1983, 8:30 a.m.** The Committee on Certification Programs and Requirements of the State Commission on

Standards for the Teaching Profession will meet in Room 105, Texas Education Agency (TEA) North Building, 1200 East Anderson Lane, Austin. Items on the agenda include reviews of levels and requirements of provisional certificates and endorsements and reconsideration of the interim framework for the provisional certificate.

**Contact:** Edward M. Vodicka, 201 East 11th Street, Austin, Texas, (512) 834-4042.

**Filed:** June 6, 1983, 3:44 p.m.  
TRD-834085

**Friday, June 17, 1983, 11 a.m.** The Committee on Certification Programs and Requirements and the Committee on Standards and Procedures for Institutional Approval of the State Commission on Standards for the Teaching Profession will meet in Room 105, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda include a review of editorial corrections in proposed institutional standards, levels and requirements of provisional certificates, and endorsements and reconsideration of the interim framework for the provisional certificate.

**Contact:** Edward M. Vodicka, 201 East 11th Street, Austin, Texas, (512) 834-4042.

**Filed:** June 6, 1983, 3:44 p.m.  
TRD-834086

### The University of Texas System

**Monday, June 6, 1983, 3 p.m.** The Land and Investment Committee of the Board of Regents of the University of Texas System, will meet in the regents' meeting room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the committee will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f), concerning land acquisition, purchase, exchange, lease or value of real property and negotiated contracts for prospective gifts or donations, to consider the contemplated lease of land in Pecos County, for the operation of a commercial vineyard and winery.

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78712, (512) 471-1265.

**Filed:** June 2, 1983, 1:30 p.m.  
TRD-834014

### Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building,



1700 North Congress Avenue, Austin. Dates, times, and agendas follow.

**Monday, June 13, 1983, 10 a.m.** According to the agenda summary, the commission will consider water district bond issues, a release from escrow, use of surplus funds, a change in plans, water quality proposed permits, amendments and renewals, water use permit applications, a certificate of adjudication matter, levee projects, a motion for rehearing, and the filing and setting of hearing dates.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** June 2, 1983, 3:19 p.m.  
TRD-834018

**Wednesday, June 15, 1983, 2 p.m.** According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

Application of COE Utilities, Inc., 31931 FM 149, Pinehurst, Texas 77362, for a temporary order which would authorize the construction of a wastewater treatment facility and disposal of treated domestic sewage wastewater by irrigation.

Application of Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767, for a temporary order which would authorize the construction of wastewater treatment facilities as described in the application for Permit 02632.

**Contact:** Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

**Filed:** June 2, 1983, 11:13 a.m.  
TRD-833994, 833993

**Wednesday, July 13, 1983, 10 a.m.** The commission will conduct a hearing regarding petition for creation of Harris County Municipal Utility District 239 containing 437.1599 acres of land.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** June 6, 1983, 3:07 p.m.  
TRD-834075

**Addition to the above agenda:**

A hearing regarding the petition for creation of Fort Bend County Municipal Utility District 49 containing 150 acres of land.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

**Filed:** June 6, 1983, 3:08 p.m.  
TRD-834076

**Friday, July 29, 1983, 9 a.m.** The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North

Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

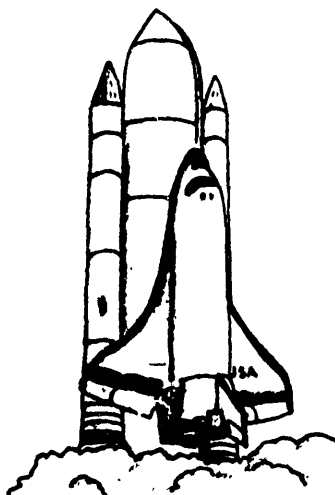
Application of Forlew, Inc., Route 1, Box 744, Longview, Texas 75602, for proposed Permit 12671-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 50,000 gallons per day from the proposed Maple Springs Mobile Home Park sewage treatment plant which is to serve a mobile home park.

Application of Brazoria Equipment Company, Inc., doing business as Coastal Equipment Company, P.O. Box 2417, Texas City, Texas 77590, for proposed Permit SW39056 to operate one Class II and III land disposal facility consisting of a landfill with a maximum total capacity of 313,000 cubic yards and encompassing a maximum surface area of 26.67 acres and to authorize a discharge of uncontaminated stormwater runoff variable with rainfall.

Application of the City of Garland, City Hall, P.O. Box 401889, Garland, Texas 75040, for an amendment to Permit 10090-02 to authorize an increase in discharge of treated wastewater effluent from a volume not to exceed an average flow of six million gallons per day to 16 million gallons per day from the Rowlett Creek wastewater treatment plant; and to revise the limitation requirements for Total Suspended Solids from 10 milligrams per liter to 15 milligrams per liter.

**Contact:** Phillip J. Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

**Filed:** June 3, 1983, 11:16 a.m.  
TRD-834023-834025



### Texas Youth Commission

**Monday, June 20, 1983, 5:30 p.m.** The Board of the Texas Youth Commission will meet in the club room, Inn of the Hills, Kerrville. According to the agenda, the board will elect a chairman.

**Contact:** Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

**Filed:** June 6, 1983, 4:04 p.m.  
TRD-834087

### Regional Agencies

#### Meetings Filed June 2

**The Bell County Appraisal District, Appraisal Review Board,** will meet in the commissioner's courtroom, second floor, Bell County Courthouse, Belton, on June 21 and 22, 1983, at 9 a.m. and at 1:30 p.m. daily. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Region I Education Service Center, Board of Directors,** will meet at the Bahia Mar Resort Hotel, Casita #1, South Padre Island, on June 24, 1983, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas, (512) 383-5611.

**The Ellis County Tax Appraisal District** met at 406 Sycamore Street, Waxahachie, on June 9, 1983, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Garza County Appraisal District, Board of Directors,** met at the appraisal office, courthouse, Post, on June 7, 1983, at 7 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3939.

**The High Plains Underground Water Conservation District 1, Board of Directors,** met in the conference room, 2930 Avenue Q, Lubbock, on June 9, 1983, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Hood County Appraisal District, Appraisal Review Board,** will meet in the district office, 1902 West Pearl, Granbury, on June 10, 1983, and on June 13-17, 1983, at 9:30 a.m. daily. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

**The Houston-Galveston Area Council,** Project Review Committee met in the large conference room, 3701 West Alabama Street, Houston, on June 7, 1983, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas, (713) 627-3200.

**The Jasper County Appraisal District,** Appraisal Review Board, will meet at the Jasper County Courthouse Annex, 102 North Austin, Jasper, on June 13, 15, 17, 20, and 22, 1983, at 9 a.m. daily. The Board of Directors will meet in the Brookeland Independent School District board room, Loop 149 off Highway 96, Brookeland, on June 15, 1983, at 7 p.m. Information may be obtained from David W. Luther, P.O. Drawer G, Buna, Texas 77612, (713) 994-5102.

**The Kendall County Appraisal District,** Board of Review, met in the Boerne Professional Building, 207 East San Antonio Street, Boerne, on June 9, 1983, at 2 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The San Patricio County Appraisal District,** Board of Directors, met in Room 226, courthouse annex, Sinton, on June 9, 1983, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The Taylor County Central Appraisal District,** Appraisal Review Board, will meet in the commissioner's courtroom, second floor, county courthouse, Abilene, on June 13-18, 1983, at 1:15 p.m. daily. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381.

**The Trinity River Authority of Texas,** Administration Committee, will meet at Banc-Texas Kaufman, 100 West Mulberry, Kaufman, on June 15, 1983, at 10 a.m. The Legal Committee will meet at 5300 South Collins, Arlington, on June 16, 1983, at 2:30 p.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The West Central Texas Municipal Water District,** will meet in Room 314, Cypress Building, 174 Cypress Street, Abilene, on June 14, 1983, at 9:30 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254.

TRD-833992

### Meetings Filed June 3

**The Dallas Area Rapid Transit, Ad Hoc Committee** on the North Central Expressway, met in emergency session in Suite 406, Love Field Terminal Building, Dallas, on June 3, 1983, at 3 p.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Dallas, Texas 75235, (214) 358-3217.

**The Dallas County Appraisal District,** Board of Directors, met at 2601 Live Oak, Dallas, on June 8, 1983, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

**The Dallas County Appraisal District,** Appraisal Review Board, will meet in the board room, 2601 Live Oak, Dallas, on June 10, 1983, at 9:30 a.m. Information may be obtained from Rick Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

**The Region V Education Service Center,** Board of Directors, met in the board room, 2295 Delaware, Beaumont, on June 9, 1983, at 1:15 p.m. Information may be obtained from Fred Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

**The Houston-Galveston Area Council,** Project Review Committee, met in the large conference room, 3701 West Alabama Street, Houston, on June 7, 1983, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 330.

**The Jack County Appraisal District,** Board of Directors, met in the Lost Creek Office Building, 258 South Main, Jacksboro, on June 3, 1983, at 7 p.m. Information may be obtained from John Williams, 104 Quailrun, Jacksboro, Texas 76056, (817) 567-2003.

**The Mental Health and Mental Retardation Regional Center of East Texas,** Board of Trustees, rescheduled a meeting to be held in the board room, 2323 West Front Street, Tyler, on June 9, 1983, at 4 p.m. The meeting was originally scheduled for May 26, 1983. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

**The Tarrant County Appraisal District,** Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on June 8, 1983, at 8:30 a.m. Information may be obtained from Bobby L. Reed, 1701 River

Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151 or 429-2947.  
TRD-8334019

### Meetings Filed June 6

**The Atascosa County Appraisal District,** Board of Directors, will meet at 1010 Zanderson, Jourdanton, on June 16, 1983, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

**The Cherokee County Appraisal District,** Board of Directors, met at 107 East Sixth Street, Rusk, on June 9, 1983, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

**The Fannin County Appraisal District,** Board of Directors, met in emergency session at 401 North Main, Bonham, on June 7, 1983, at 7 p.m. Information may be obtained from Joe Hart, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

**The Fisher County Appraisal District,** Board of Directors, will meet in the hospitality room, Fisher County Courthouse, Roby, on June 13, 1983, at 8 p.m. Information may be obtained from Kyle Moore, Route 1, Roby, Texas 79543, (915) 776-2733.

**The Gonzales County Appraisal District,** Board of Directors, met at the Gonzales Bank Building, 508 St. Louis Street, Gonzales, on June 9, 1983, at 8:30 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

**The Hockley County Appraisal District,** Board of Directors, will meet at 913 Austin Street, Levelland, on June 20, 1983, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Hood County Appraisal District,** Board of Directors, will meet at the district office, 1902 West Pearl, Granbury, on June 14, 1983, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

**The Central Appraisal District of Johnson County,** Board of Directors, will meet at 109 North Main Street, Cleburne, on June 13, 1983, at 10 a.m. Information may be

obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3987.

**The Appraisal District of Jones County**, Board of Directors, will meet at the district office, 1137 East Court Plaza, Anson, on June 16, 1983, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

**The Lamar County Appraisal District**, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on June 13, 1983, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

**The Lampasas County Appraisal District** will meet at 403 East Second Street, Lampasas, on June 10, 1983, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Leon County Appraisal District**, Board of Directors, met in emergency session in the Leon County Courtroom, Centerville, on June 8, 1983, at 6:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Limonstone County Appraisal District**, Board of Review, met in emergency session in Room 6, Mexia City Hall, Mexia, on June 8-10, 1983, at 9 a.m. daily, and will meet at the same location on June 13-17, 1983, at 9 a.m. daily. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext. 35.

**The Middle Rio Grande Development Council**, A-95 Project Review Committee, met in emergency session in Room 307, third floor, Del Rio National Bank, Del Rio, on June 8, 1983, at 10 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949.

**The Mills County Appraisal District** met at the Mills County Courthouse, Goldthwaite, on June 9, 1983, at 6:30 p.m. Information

may be obtained from J. Michael Morris, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

**The Texas Municipal Power Agency**, Board of Directors, met at the Gibbons Creek steam electric station, Carlos, on June 9, 1983, at 10 a.m. Information may be obtained from Frank H. Bass, 2225 East Randal Mill Road, Suite 600, Arlington, Texas 76011, (817) 461-4400.

**The Nortex Regional Planning Commission**, General Membership Committee, will meet at McBride Seafood and Steak, 5400 Seymour Highway, Wichita Falls, on June 16, 1983, at noon. The North Texas State Planning Region Consortium will meet at the same location on the same day at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The Palo Pinto Appraisal District** met in the County Courtroom, Palo Pinto, on June 9, 1983, at 3 p.m. Information may be obtained from John R. Winters, Palo Pinto Appraisal District, Palo Pinto, Texas 76072, (817) 659-3651.

**The Permian Basin Regional Planning Commission**, Board of Directors, met in emergency session at 2514 Pliska Drive, Midland, on June 8, 1983, at 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

**The San Antonio River Authority**, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on June 15, 1983, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

**The South Texas Development Council**, Area Agency on Aging, will meet in the conference room, 600 South Sandman, Laredo, on June 22, 1983, at 2 p.m.; at the Hebronville Nutrition Center, Old Viggo Hotel, 203 North Smith, Hebronville, on June 27, 1983, at 10 a.m.; at the Zapata Nutrition Center, Del Mar and Eighth

Street, Zapata, on June 28, 1983, at 10 a.m.; at the Rio Grande City Nutrition Site, 402 East Main Street, Rio Grande City, on June 29, 1983, at 10 a.m.; and at the Mother Cabrini Site, 3018 Davis Avenue, Laredo, on June 30, 1983, at 10 a.m. Information may be obtained from Kathy Henderson, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

**The Tarrant Appraisal District**, Board of Directors, will meet at 1701 River Run, Suite 300, Fort Worth, on June 14, 1983, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-8522.

**The Upshur County Appraisal District**, Board of Directors, will meet at the appraisal office, Warren and Trinity Streets, Gilmer, on June 13, 1983, at 7 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

**The Wise County Appraisal District**, Board of Directors, met in emergency session at 206 South State, Decatur, on June 9, 1983, at 9 a.m. and again at 9:30 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

**The Wood County Appraisal District**, Appraisal Review Board, met in emergency session in the conference room, 217 North Main, Quitman, on June 9, 1983, at 2 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-834053

**Meeting Filed June 7**

**The Red River Authority of Texas**, Board of Directors, met in emergency session in Room 228, Activity Center, 1001 Indiana, Wichita Falls, on June 9, 1983, at 10 a.m. Information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

TRD-834090

# The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor and the status of these bills.

A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon the bill.

## Bills Submitted to the Governor

### May 31

**HB 44** Relating to certain powers, duties, and procedures of the State Commission on Judicial Conduct and the discipline of judges.

Sponsor: Bush

**HB 141** Relating to the purchase of newspapers for use in public schools.

Sponsor: Glossbrenner

**HB 210** Relating to the designation and service of certain public school officials as deputy voter registrars.

Sponsor: Ragsdale

**HB 306** Relating to the establishment of and funding for a motorcycle operator training and safety program, and restricted licenses for certain motorcycle operators.

Sponsor: Criss

**HB 310** Relating to the expenditure of the proceeds from airport revenue bonds by certain cities.

Sponsor: Valles

**HB 340** Relating to disqualification for benefits under the Texas Unemployment Compensation Act.

Sponsor: Hall, Lanny

**HB 358** Relating to child abuse investigations.

Sponsor: Willis

**HB 385** Relating to the compensation of presiding judges of certain administrative judicial districts.

Sponsor: Willis

**HB 570** Relating to a continuing education requirement for a county treasurer.

Sponsor: Barton, Erwin

**HB 586** Relating to powers and duties of the Battleship Texas Commission and transferring jurisdiction of the Battleship Texas to the Texas Parks and Wildlife Department.

Sponsor: Criss

**HB 594** Relating to certification requirements for aircraft crash and rescue fire fighters.

Sponsor: Millsap

**HB 642** Relating to awarding the Texas Department of Human Resources fees for court-ordered social studies.

Sponsor: Willis

**HB 645** Relating to the consolidation of property tax assessing and collecting.

Sponsor: DeLay

**HB 657** Relating to the appointment of substitute municipal judges.

Sponsor: Hill, Patricia

**HB 697** Relating to the application of the Professional Prosecutors Act to the criminal district attorney of Cass County and the district attorney of the 229th Judicial District.

Sponsor: Russell

**HB 725** Relating to certain defenses to charges of failure to maintain financial responsibility for certain vehicles.

Sponsor: Rangel

**HB 726** Relating to the compensation of the judge of the 118th Judicial District.

Sponsor: Shaw

**HB 742** Relating to reports by the division heads of the Texas Department of Public Safety regarding the efficiency of its employees.

Sponsor: Rudd

**HB 755** Relating to the authority of counties to contract for the destruction of certificates, bonds, interest coupons, or other evidences of indebtedness issued and paid by the counties.

Sponsor: Hury

**HB 777** Relating to the composition of a county hospital's board of managers.

Sponsor: Gibson, Jay

**HB 790** Relating to the collection, deposit, and disposition of certain court costs collected in criminal cases.

Sponsor: Hury

**HB 804** Relating to county and precinct officials and employees who are paid wholly from county funds; compensation, expenses, and allowances.

Sponsor: Hudson, David

**HB 812** Relating to credit in the Employees Retirement System of Texas for certain service as an employee of a judicial district.

Sponsor: Garcia, Tony

**HB 845** Relating to the property tax exemption of certain organizations that promote or operate art galleries, museums, and collections.

Sponsor: Hill, Patricia

**HB 855** Relating to the discretion of a court to allow certain persons convicted of crimes to serve their sentences during off-work hours or on weekends.

Sponsor: Rudd

**HB 895** Relating to the withholding of names drawn for jury service.

Sponsor: Laney

**HB 908** Relating to the identification of county-owned motor vehicles and heavy equipment.

Sponsor: Smith, Terral

**HB 949** Relating to the powers of the board of regents of Pan American University.

Sponsor: Moreno, Alejandro

**HB 1007** Relating to railroad crossing safety information.

Sponsor: Finnell

**HB 1038** Relating to the consolidation of duties in connection with voter registration and the conduct of elections in the office of the county clerk or county tax assessor-collector; to the county elections administrator; to number of ballots.

Sponsor: Hill, Gerald

**HB 1091** Relating to the placement of signs in the rights-of-way of public roads in certain counties.

Sponsor: Hilbert

**HB 1106** Relating to the expenses of the official court reporter for the 155th Judicial District.

Sponsor: Saunders

**HB 1108** Relating to the vacation time of jail personnel of certain county jails.

Sponsor: Keller

**HB 1148** Relating to the qualifications of the presiding judge and the clerks serving at a central counting station.

Sponsor: Lee, El Franco

**HB 1157** Relating to the authority of a commissioner court to permit the revision of a subdivision plat or cancellation of a subdivision.

Sponsor: Messer

**HB 1183** Relating to the jurisdiction of the county court of Cass County.

Sponsor: Russell

**HB 1186** Relating to adoption of a nonsubstantive revision of the statutes relating to civil procedure and civil remedies and liabilities.

Sponsor: Messer

**HB 1189** Relating to the validation of bonds, certificates of obligation, warrants, notes, or other evidences of debt issued by an incorporated city in connection with the acquisition of a waterworks system.

Sponsor: Khoury

**HB 1216** Relating to the designation of emergency interim successors to assume the powers and duties of unavailable legislators in the event of enemy attack.

Sponsor: Hollowell

**HB 1263** Relating to the powers and status of the Tribal Councils and tribal businesses of the Alabama-Coushatta and Tigua Indian Tribes.

Sponsor: Hightower

**HB 1310** Relating to judicial review of certain orders issued by the Alcoholic Beverage Commission.

Sponsor: Coody

**HB 1370** Relating to the filing and docketing of certain suits for adoption.

Sponsor: Khoury

**HB 1415** Authorizing the board of regents of the University of Texas System to waive its reversionary interest in Mahncke Park and Brackenridge Park Golf Course.

Sponsor: Sutton

**HB 1451** Relating to the regulation of automotive wrecking and salvage yards in certain counties.

Sponsor: Hackney

**HB 1454** Relating to procedures under the Administrative Procedure and Texas Register Act.

Sponsor: Bush

**HB 1460** Relating to the authority of the commissioner court to set court costs in certain misdemeanor cases in certain counties.

Sponsor: Edwards

**HB 1473** Relating to the creation or reorganization of certain judicial districts, supplemental compensation to certain district judges, exchange of benches, creation of the office of district attorney, and juvenile boards.

Sponsor: Gilley

**HB 1481** Relating to the expenditure by certain counties of public or private grant or aid money.

Sponsor: Delco

**HB 1519** Relating to student center complex fees at institutions within the Texas A&M University System.

Sponsor: Gibson, Bruce

**HB 1550** Relating to access by institutions of higher education to police records of certain applicants for employment.

Sponsor: Keller

**HB 1562** Relating to nonpartisan elections in certain home-rule cities.

Sponsor: Gandy

**HB 1575** Relating to the operation of the Joint Underwriting Association established by the Texas Medical Liability Insurance Underwriting Association Act.

Sponsor: Lee, Don

**HB 1606** Relating to a provision for payment of restitution by a person who has issued a bad check.

Sponsor: Blanton

**HB 1625** Relating to appointment of masters in delinquent tax suits.

Sponsor: Gilley

**HB 1644** Relating to parties agreeing to a trial by a special judge for district court civil cases.

Sponsor: McKenna

**HB 1669** Relating to the jurisdiction of the Ninth, Second Ninth, and 258th District Courts in Polk County and to the compensation of the judges of those courts.

Sponsor: Hightower

**HB 1686** Relating to the punishment for the offense of indecent exposure.

Sponsor: Armbrister

**HB 1699** Relating to written investment objectives and performance evaluations concerning the investment of certain state funds.

Sponsor: Hammond

**HB 1701** Relating to the management and investment of certain state funds.

Sponsor: Hammond

**HB 1712** Relating to the reporting of certain traffic accidents.

Sponsor: Wolens

**HB 1726** Relating to rights of the elderly.

Sponsor: Danburg

**HB 1750** Relating to the minimum salary for a fireman, policeman, or member of a sheriff's department in certain cities and counties.

Sponsor: Gandy

**HB 1753** Relating to administration of medications in convalescent homes, nursing homes, and other related institutions; establishing fees for the issuance and renewal of permits to administer medications.

Sponsor: Hill, Anita

**HB 1852** Relating to workers' compensation insurance coverage of subcontractors as defined herein.

Sponsor: Messer

**HB 1863** Relating to the coverage of certain persons under the state employee insurance plan.

Sponsor: Willis

**HB 1867** Relating to the registration of a securities dealer, agent, or salesman.

Sponsor: Robnett

**HB 1876** Relating to the annual report of the Texas Alcoholic Beverage Commission.

Sponsor: Laney

**HB 1925** Relating to the authority of certain cities to provide automobile liability insurance for fire and police department officers and employees.

Sponsor: Luna

**HB 1933** Relating to appeal of suits affecting the parent-child relationship.

Sponsor: Glossbrenner

**HB 1953** Relating to conforming the Texas Litter Abatement Act and related statutes to legislation passed by the 67th Legislature.

Sponsor: Craddick

**HB 1966** Relating to the operation of vehicles used to transport solid waste; prescribing load limits.

Sponsor: Laney

**HB 1969** Relating to investment securities.

Sponsor: Hill, Patricia

**HB 1971** Relating to the disposition of certain hospital authority records.

Sponsor: Hilbert

**HB 1980** Relating to the definition of a motor vehicle.

Sponsor: Hackney

**HB 2008** Relating to revision of the criminal laws relating to the offenses of rape, aggravated rape, rape of a child, sexual abuse, aggravated sexual abuse, and

sexual abuse of a child; redefining those offenses as assaultive offenses.

Sponsor: Evans, Charles

**HB 2058** Relating to court-ordered commitment of a drug-dependent person.

Sponsor: Millsap

**HB 2067** Relating to airport zoning regulations.

Sponsor: Cain

**HB 2092** Relating to the sale of urban renewal land.

Sponsor: Barrientos

**HB 2102** Relating to the powers of the board of regents of the University of Texas System to fix the rate of incidental student fees.

Sponsor: Cain

**HB 2126** Relating to establishment of a juvenile board in Ward County.

Sponsor: Shaw

**HB 2153** Relating to the issuance of warrants or notes by certain cities and towns to pay their current expenses.

Sponsor: Luna

**HB 2154** Relating to revision of the political funds reporting and disclosure law and to regulation of the ethical conduct of public servants.

Sponsor: Turner

**HB 2160** Relating to the pay grade of superintendents of certain school districts.

Sponsor: Grisham

**HB 2181** Relating to the creation of the legal excellence fund in the state treasury for the purpose of accepting gifts, grants, and donations from private sources to attain legal excellence in the office of the attorney general.

Sponsor: Colbert

**HB 2188** Relating to supplemental compensation for the district attorney of the 293rd Judicial District.

Sponsor: Glossbrenner

**HB 2189** Relating to the composition of the Fourth and Sixth Administrative Judicial Districts.

Sponsor: Glossbrenner

**HB 2196** Relating to state employees health fitness programs.

Sponsor: Laney

**HB 2244** Relating to the assignment of justices and judges to the courts of appeals.

Sponsor: Polk

**HB 2258** Relating to recovery of actual costs and attorney's fees by the attorney general in a charitable trust suit and to the venue of a charitable trust suit.

Sponsor: Hill, Gerald

**HB 2289** Relating to pilot programs for postsecondary-level students with learning disabilities.

Sponsor: Barton, Bob Jr.

**HB 2295** Relating to the composition of the Henderson County juvenile board, the compensation of the members of that board, and prosecution of juvenile cases in Henderson County.

Sponsor: Waldrop

**HB 2322** Relating to creation of a municipal court of record for the City of Marshall.

Sponsor: McWilliams

**HB 2325** Relating to establishment of a juvenile board in Cooke County.

Sponsor: Coody

**HB 2326** Relating to establishment of a juvenile board in Jack and Wise Counties.

Sponsor: Coody

**HB 2327** Relating to the creation of two county criminal courts in Tarrant County.

Sponsor: Evans, Charles

**HB 2337** Relating to the creation, administration, powers, duties, operation, and financing of the Mason County Hospital District.

Sponsor: Geistweidt

**HB 2348** Relating to the jurisdiction and authority of the county courts at law in Brazoria County.

Sponsor: Davis

**HB 2350** Relating to the election of directors of the Community Hospital District of Brazoria County.

Sponsor: Davis

**HB 2354** Relating to the creation, administration, powers, duties, operation, and financing of the Teague Hospital District.

Sponsor: Bomer

**HB 2363** Relating to the regulation of certain persons who contract with the state.

Sponsor: Presnal

**HB 2364** Relating to the creation of the County Court at Law of Williamson County.

Sponsor: Grisham

**HB 2372** Relating to establishment of a juvenile board in Cochran County.

Sponsor: Rudd

**HB 2377** Relating to the establishment of a juvenile board in the 118th Judicial District.

Sponsor: Shaw

**HB 2388** Relating to the conveyance of certain state real property in Jefferson County to the City of Port Arthur.

Sponsor: Collazo

**HB 2393** Relating to abolition of the office of county auditor in Llano County.

Sponsor: Barton, Bob Jr.

**HB 2395** Relating to the creation of the County Court at Law of Panola County.

Sponsor: Haley

**HB 2399** Relating to the creation of the County Court at Law 1 of Calhoun County and to membership on the county juvenile board of the judge of that court.

Sponsor: Armbrister

**HB 2404** Relating to establishment of a juvenile board in Shackelford County.

Sponsor: Hanna

**HB 2406** Relating to the establishment and powers of a juvenile board in the 46th Judicial District, composed of Wilbarger, Foard, and Hardeman Counties.

Sponsor: Finnell

**HB 2407** Relating to the establishment and powers of a juvenile board in the 50th Judicial District, composed of Baylor, Cottle, King, and Knox Counties.

Sponsor: Finnell

**HB 2432** Relating to establishment of a juvenile board in Camp, Marion, Morris, and Titus Counties.

Sponsor: Russell

**HB 2439** Relating to certain contracts executed by and the qualifications for membership on the board of directors of Val Verde County Hospital District.

Sponsor: Harrison, Dudley

**HB 2440** Relating to the creation of a juvenile board in Starr County.

Sponsor: Rangel

**HB 2441** Relating to establishment of a juvenile board in Throckmorton County.

Sponsor: Hanna

**HB 2445** Relating to the creation of the County Court of Jefferson County at Law 4.

Sponsor: Collazo

**HB 2447** Relating to establishment of a juvenile board in Haskell County.

Sponsor: Hanna

**HB 2449** Relating to the child support collection service fee in Smith County.

Sponsor: Hudson, David

**HB 2452** Relating to the authority of counties to provide and finance jail improvements.

Sponsor: Smith, Terral

**SB 11** Relating to the quorum and the number of votes required for a commissioners court to levy a tax and the meetings at which a tax may be levied.

Sponsor: Mauzy

**SB 22** Relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of armor-piercing ammunition.

Sponsor: Doggett

**SB 23** Relating to the exemption of certain buildings of veterans' or fraternal organizations from ad valorem taxation.

Sponsor: Williams

**SB 24** Relating to a driver's license issued for essential need; providing for notice, hearings, court orders regulating use, and enforcement procedures; relating to certain duties of persons issued a license under this Act.

Sponsor: Sarpalius

**SB 42** Relating to the making and accepting of political contributions and expenditures by a candidate or a political committee and the filing of a statement of organization; making provisions for reports after the ninth day before election.

Sponsor: Brown

**SB 60** Relating to certificates of completion withheld by proprietary schools, refunds given by proprietary schools, and fees imposed on proprietary schools and their representatives.

Sponsor: Leedom

**SB 79** Relating to access rights to a child by grandparents of the child.

Sponsor: Brooks

**SB 89** Relating to the requirements for a person who is 15 years of age to obtain a driver's license and to suspension of such a driver's license.

Sponsor: Glasgow

**SB 105** Relating to the membership, operations, and continuation of the Industrial Commission under the name of the Texas Economic Development Commission



and to commission's advisory council of small business assistance.

Sponsor: Howard

**SB 106** Relating to the continuation of the State Securities Board and to the membership, qualifications, powers and duties, and administration of the board and the duties of the securities commissioner.

Sponsor: Howard

**SB 117** Relating to procedures for the administration, disbursement, and termination of block grant funds; providing for administration of the primary care block grant by the Texas Department of Health and establishment of the Community Health Advisory Committee.

Sponsor: Doggett

**SB 123** Relating to an exemption from sales and use taxes for certain equipment used by the visually handicapped and to certain items sold, leased, rented to, or stored, used, or consumed by certain nonprofit agencies.

Sponsor: Leedom

**SB 126** Relating to the powers and duties of the Texas Department of Mental Health and Mental Retardation and to certain community centers to receive relevant conviction data on applicants for employment, to deny employment to unqualified applicants.

Sponsor: Traeger

**SB 134** Relating to the membership, personnel, qualifications, powers and duties, administration, and continuation of the Texas Commission on the Arts.

Sponsor: Jones

**SB 138** Relating to costs imposed on criminal convictions for the purpose of funding the Compensation to Victims of Crime Fund.

Sponsor: Doggett

**SB 147** Relating to the care of the State Capitol, General Land Office Building, their grounds, and their contents; to the establishment of the State Preservation Board; to the duties of the state curator.

Sponsor: Blake

**SB 149** Relating to the operation and regulation of state savings and loan associations and the Texas Savings and Loan Department, to the continuation of the office of the savings and loan commissioner.

Sponsor: Henderson

**SB 151** Relating to the continuation, operation, membership, terms, and grounds for removal of member of the State Banking Board; making certain financial statements confidential.

Sponsor: Glasgow

**SB 155** Relating to the continuation of the Texas Commission on Law Enforcement Officer Standards and

Education, its membership, functions, powers and duties, and operations; to grounds for removal of members.

Sponsor: McFarland

**SB 160** Relating to creation of the offense of tampering with a consumer product including food or drugs.

Sponsor: Glasgow

**SB 161** Relating to public disclosure of certain information obtained by institutions of higher education.

Sponsor: Glasgow

**SB 180** Relating to the continuation, administration, membership, powers and duties, and grounds for removal of members of the Industrial Accident Board; providing funding and regulations concerning the Compensation to Victims of Crime Fund.

Sponsor: Farabee

**SB 194** Relating to the times at which certain vacancies in state and district offices may be filled, appointments to fill vacancies for certain partial terms, the terms of certain state and district officers, and the time at which terms expire.

Sponsor: Doggett

**SB 215** Relating to the creation, membership, powers and duties of the Texas Diabetes Council and to the development of public awareness and training.

Sponsor: Parker

**SB 216** Relating to licenses and permits and to license fees, user fees, penalties, and other charges connected with the duties, services, and functions of the Texas Parks and Wildlife Department.

Sponsor: Leedom

**SB 224** Relating to the creation, jurisdiction, personnel, administration, and appeals procedures of municipal courts of record in the City of Dallas and powers and duties of the governing body of the city in connection with these courts.

Sponsor: Leedom

**SB 226** Relating to information given to, consent required of, and inspection rights of parents or guardians of students recommended for attendance at or attending a school-community guidance center.

Sponsor: Leedom

**SB 231** Relating to the continuation, membership, operation, administration, and powers and duties of the Texas Antiquities Committee and to certain information which a state agency must make available to State Purchasing and General Services Commission.

Sponsor: Brown

**SB 238** Relating to the regulation of lay midwives and to a lay midwifery board appointed by the Texas Board

of Health, its powers and duties; defining an offense under this Act.

Sponsor: Uribe

**SB 239** Relating to the authority of the attorney general to sue to restrain or enjoin violations of certain consumer protection laws.

Sponsor: Parmer

**SB 253** Relating to regulation of private process servers; giving the secretary of state certain powers and duties; prescribing fees; defining offenses and providing penalties.

Sponsor: Washington

**SB 255** Relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance.

Sponsor: Vale

**SB 258** Relating to the control of venereal disease.

Sponsor: Uribe

**SB 277** Relating to the confidentiality of alarm systems records.

Sponsor: Leedom

**SB 285** Relating to alcoholic beverage permit and license fees and state regulation of distillers and rectifiers of distilled spirits, wines, and other liquors and to home production of wine, ale, malt liquor, or beer.

Sponsor: Leedom

**SB 291** Relating to the time a claim for compensation shall be made under the Workers' Compensation Act.

Sponsor: Mauzy

**SB 294** Relating to powers and duties, staff, and operation of the Banking Department of Texas and to the continuation, authority, and powers and duties of the office of banking commissioner of Texas.

Sponsor: Caperton

**SB 306** Relating to accessibility of polling places to the elderly and physically handicapped; to the required standards of accessibility, and to duties of authorities responsible for the designation of polling places.

Sponsor: Kothmann

**SB 360** Relating to the Texas Energy and Natural Resources Advisory Council serving as an energy resource center for school districts.

Sponsor: Caperton

**SB 369** Relating to purchase of land for a highway right-of-way.

Sponsor: Williams

**SB 370** Relating to reports concerning veterans who may have been exposed to certain chemical defoliants or her-

bicides or other causative agents, to assistance of those veterans, and to the Agent Orange Advisory Committee.

Sponsor: Williams

**SB 375** Relating to certain exceptions to the confidentiality of certain medical and other mental health records regarding a patient.

Sponsor: Doggett

**SB 380** Relating to the selection of grand jurors.

Sponsor: Vale

**SB 381** Relating to the licensing and regulation of home health agencies and to the exemption of licensing requirements and certain health care professionals.

Sponsor: Vale

**SB 382** Relating to the number of ballots furnished for each polling place.

Sponsor: Mauzy

**SB 397** Relating to the regulation of monopolies, contracts, combinations, and conspiracies in restraint of trade or commerce.

Sponsor: Doggett

**SB 417** Relating to the registration and registration fees of alarm systems installers and certain private security officers and consultants and to certain duties of the Board of Private Investigators and Private Security Agencies.

Sponsor: Doggett

**SB 429** Relating to bank deposit agreements, to notice, and to subpoenas and examination, production, and disclosure of bank records.

Sponsor: Harris

**SB 446** Relating to inspection, insurance, and safety regulations for certain amusement rides; giving the State Board of Insurance certain powers and duties; providing for fees; prescribing operation requirements; providing enforcement procedures.

Sponsor: Jones

**SB 448** Relating to unemployment compensation benefits and the Texas Employment Commission.

Sponsor: Caperton

**SB 470** Relating to tort liability of certain units of government.

Sponsor: Doggett

**SB 480** Relating to apportionment of the state into congressional districts and to terms of office of members of the State Board of Education.

Sponsor: Mauzy

**SB 482** Relating to the definition of the term "bet" for purposes of the Penal Code prohibitions against gambling.

Sponsor: Harris

**SB 538** Relating to the increase in minimum automobile liability coverage for motor vehicles.

Sponsor: Caperton

**SB 551** Relating to the gulfward boundaries of coastal home-rule cities, to contracts or agreements by coastal home-rule cities, to reformation of city boundaries, and to the creation of industrial districts.

Sponsor: Farabee

**SB 554** Relating to the verification and filing of a petition for a local option liquor election to legalize or prohibit the sale of liquor.

Sponsor: Sarpalius

**SB 559** Relating to the powers and duties of a corporation, its directors, and committees and the liabilities of a director of a corporation and to the indemnification of and maintenance of liability insurance.

Sponsor: Farabee

**SB 583** Relating to fees charged by local health departments that administer public health services.

Sponsor: Whitmire

**SB 607** Relating to exemptions from assessments of certain producers' product sales and to notice of referendum to authorize an assessment or to add new territory.

Sponsor: Sarpalius

**SB 642** Relating to the regulation of air conditioning contractors.

Sponsor: Henderson

**SB 701** Relating to a substantive revision of state law governing certain trusts.

Sponsor: Farabee

**SB 705** Relating to a program to screen and treat certain young persons for special senses and communications disorders, to appropriate licensing for service providers, and to a children's speech, hearing, and language screening committee.

Sponsor: Brooks

**SB 706** Relating to the licensing of certain agents of legal reserve life insurance companies.

Sponsor: Harris

**SB 711** Relating to the establishment, administration, membership, qualifications, terms, and duties of the Health and Human Services Coordinating Council, the Council on Disabilities, and the Long-term Care Coordinating Council for the Elderly.

Sponsor: Brooks

**SB 714** Relating to the lease of space in state office buildings to private tenants and to the installation of vending facilities in those buildings.

Sponsor: Doggett

**SB 733** Relating to payment for construction work by municipal utility districts and to certain amounts on which the district is obligated to pay interest.

Sponsor: Henderson

**SB 748** Relating to adoption of a nonsubstantive revision of the statutes relating to property.

Sponsor: McFarland

**SB 752** Relating to the financing of hospital equipment, providing for the administration of this Act by a public benefit corporation known as the Texas Hospital Equipment Financing Council.

Sponsor: Uribe

**SB 757** Relating to the appointment, qualifications, compensation, and assignment of retired and former district judges to serve as senior judges on district courts and to retirement system membership, contributions, and credit of the judges.

Sponsor: Mauzy

**SB 762** Relating to certain protected and prohibited political activities of state employees and to termination of employment for a violation of any prohibited activity.

Sponsor: Doggett

**SB 763** Relating to contracting to provide for the transportation of public school students.

Sponsor: Parker

**SB 764** Relating to student fees at the University of Texas at Austin; to the establishment, membership, terms, and operation of a student advisory committee.

Sponsor: Doggett

**SB 772** Relating to rules governing relationships between a state agency and its employees and a private organization or private donor.

Sponsor: Parmer

**SB 787** Relating to the authority of certain cities to undertake and finance certain improvements and/or services, to certain procedures, and to requirements concerning notice, hearings, and petitions.

Sponsor: Vale

**SB 791** Relating to the appointment of a local registrar of births and deaths, and to reports, transcripts, and records of vital statistics.

Sponsor: Lyon

**SB 800** Relating to the authority of a city, town, or village to make an agreement or contract with a conser-

vation and reclamation district for the purchase of hydroelectric power or energy.

Sponsor: Traeger

**SB 802** Relating to the surrender, obtaining, and designation of certificates of title to certain motor vehicles.

Sponsor: Brown

**SB 810** Relating to treatment programs at certain state chest hospitals.

Sponsor: Brooks

**SB 812** Relating to insurance coverage for the services of certain audiologists, speech pathologists, and language pathologists.

Sponsor: Brooks

**SB 815** Relating to a bond or pledge of other securities or both for securing school district funds deposited in a bank.

Sponsor: Brooks

**SB 827** Relating to immunity from certain liability to persons providing information involving known or suspected fraudulent insurance and reinsurance transactions.

Sponsor: McFarland

**SB 845** Relating to disciplinary actions by the State Board of Pharmacy, to facts and reports received by the board, and to reporting by peer group review committees and professional committees; absolving participating persons from liability.

Sponsor: Doggett

**SB 853** Relating to the duration of a bail bondsman's liability as surety on an appearance bond.

Sponsor: Whitmire

**SB 860** Relating to membership in and benefits from the Employees Retirement System of Texas for elected class service.

Sponsor: Traeger

**SB 864** Relating to attorney's fees in certain workers' compensation death cases.

Sponsor: Lyon

**SB 866** Relating to the creation, regulation, powers, administration, funding, and dissolution of public nonprofit corporations to aid in financing agricultural enterprises and facilities; providing for issuance and payment of bonds.

Sponsor: Lyon

**SB 875** Relating to the creation and jurisdiction of the County Clerk at Law 2 of Taylor County; fixing terms; providing for the appointment and election, term of office, qualifications, power, and compensation of the judge.

Sponsor: Jones

**SB 884** Relating to the definition of water and sewer utilities and to their regulation; to the jurisdiction, powers and duties, and qualifications of members of the Texas Water Commission; to the jurisdiction and powers of municipalities.

Sponsor: Traeger

**SB 891** Relating to a medical services fee at Texas Tech University.

Sponsor: Montford

**SB 898** Relating to mandatory and permissive venue in civil actions, to transfers and hearings, to the effect of improper venue of an appeal from the trial on the merits, and to rules governing venue.

Sponsor: Caperton

**SB 910** Relating to hazardous duty pay for parole officers and certain employees or officials of the Board of Pardons and Paroles.

Sponsor: Caperton

**SB 921** Relating to charges for the return of certain checks following their dishonor; preserving other available rights and remedies to the holder of a check.

Sponsor: Doggett

**SB 923** Relating to the regulation of lobbying; providing for advisory opinions by the secretary of state.

Sponsor: Doggett

**SB 926** Relating to recovery of costs and attorney's fees in defense of a frivolous claim raised by a state agency.

Sponsor: Doggett

**SB 928** Relating to the continuation of the State Board of Insurance and to the regulation of the business of insurance.

Sponsor: Jones

**SB 960** Relating to the regulation of obstructions to air navigation and of taxicabs serving airports.

Sponsor: McFarland

**SB 961** Relating to the investments of insurers; authorizing the State Board of Insurance to adopt certain rules and regulations.

Sponsor: McFarland

**SB 964** Relating to the measurement of distances in connection with the sale of alcoholic beverages near a public school, church, or public hospital and to notice of an application for a license or permit to sell alcoholic beverages.

Sponsor: McFarland

**SB 970** Relating to financing, constructing, and operating certain causeways, bridges, and tunnels by certain counties; to use and acquisition of property for pur-

poses of a project and to the status of authorized liens or pledges.

Sponsor: Henderson

**SB 985** Relating to the time periods for filing sales and use taxes, the prepayment discount for paying sales and use taxes, security requirements, and direct payment permits.

Sponsor: Glasgow

**SB 986** Relating to the due dates of the public utilities gross receipts assessment and the interest rate on delinquent assessments.

Sponsor: Glasgow

**SB 987** Relating to the filing of returns and payment of estimated insurance gross premium taxes; giving the State Board of Insurance certain rulemaking authority.

Sponsor: Glasgow

**SB 988** Relating to the due dates for certain taxes, reports, estimated taxes and to forfeitures.

Sponsor: Glasgow

**SB 997** Relating to certain protective orders issued to deter family violence and to criminal penalties for the violation of those orders.

Sponsor: Doggett

**SB 1019** Relating to prohibiting staff of a general hospital from certain discriminatory practices in providing emergency diagnoses and services.

Sponsor: Truan

**SB 1023** Relating to increasing penalties for taking red-fish and speckled sea trout and for possessing and using certain nets.

Sponsor: Lyon

**SB 1027** Relating to the acquisition and content of a certificate of title for motorboats and outboard motors, to requirements for transfer of title, and to the creation and enforcement of liens on motorboats and outboard motors.

Sponsor: Sharp

**SB 1038** Relating to protective clothing for firefighters; giving the Commission on Fire Protection Personnel Standards and Education certain decision-making and enforcement authority.

Sponsor: Glasgow

**SB 1040** Relating to licensing and regulation of insurers, insurance solicitors, and agents; giving the State Board of Insurance certain powers and duties; providing rules on payment or receipt of commissions.

Sponsor: Glasgow

**SB 1044** Relating to conflicts of interest of local public officials.

Sponsor: Lyon

**SB 1062** Relating to the counties in the First and Fourteenth Supreme Judicial Districts reimbursing Harris County for certain costs incurred by Harris County pertaining to those courts.

Sponsor: Whitmire

**SB 1091** Relating to the electronic transfer of funds from the accounts of customers at certain financial institutions to the accounts of merchants at the same or different financial institutions and to charges for transfer.

Sponsor: Harris

**SB 1125** Relating to absences from public schools for religious holy days.

Sponsor: Parker

**SB 1144** Relating to the transaction of business by the courts of appeals for the First, Second, and Fourteenth Supreme Judicial Districts and the filing and transfer of appellate cases.

Sponsor: Brown

**SB 1190** Relating to requirements in certain lawsuits in which the State of Texas or any state agency is a party and of notice of intent to take default judgments against the State of Texas or any state agency.

Sponsor: Farabee

**SB 1228** Relating to conventions of political parties required to nominate candidates by primary election.

Sponsor: Mauzy

**SB 1241** Relating to prevention and control of spills of hazardous substances, to coordination of the state response effort and cooperation of state agencies, to creation of the Texas Spill Response Fund.

Sponsor: Brown

**SB 1273** Relating to the creation, jurisdiction, judges, facilities, personnel, and practice and procedures of municipal courts of record in the City of Odessa and to elections approving the creation of these courts.

Sponsor: Montford

**SB 1274** Relating to certain courses the University of Texas of the Permian Basin is organized to teach.

Sponsor: Jones

**SB 1281** Relating to the county courts at law in El Paso County and their jurisdiction and administration; providing the qualifications of judges and for their compensation; providing for juries and procedures for jury trials.

Sponsor: Santiesteban

**SB 1283** Providing for the conversion of a navigation district acting under the Constitution of the State of

Texas, Article III, §52, into a navigation district acting under the Constitution of the State of Texas, Article 15, §59.

Sponsor: Parker

**SB 1287** Relating to the coverage for treatment of mental and emotional illness and disorders in certain accident and sickness insurance policies.

Sponsor: Brooks

**SB 1304** Relating to the election of all or some of the trustees of certain school districts from single-member trustee districts and to certain powers and duties of the board of trustees of a school district.

Sponsor: Mauzy

**SB 1306** Relating to the application of the Professional Prosecutors Act to the offices of certain district attorneys, criminal district attorneys, and county attorneys performing the duties of the district attorney and to compensation.

Sponsor: Glasgow

**SB 1352** Relating to the appointment, duties, and staff of court administrators and their compensation, facilities,

and equipment and the appointment, powers, and duties of masters for certain courts in Jefferson County.

Sponsor: Parker

**SB 1363** Creating and establishing a conservation and reclamation district to be known as Harris County Municipal Utility District 233.

Sponsor: Henderson

**SB 1375** Relating to the establishment, membership, personnel, compensation, powers and duties, and financing of a juvenile board in Chambers County and to the appointment of an advisory council.

Sponsor: Parker

## June 6

**SB 659** Relating to the sale of certain state-owned real property in Grayson County.

Sponsor: Farabee

**SB 1316** Relating to the sale of certain state property in Paris, and use of the proceeds of the sale.

Sponsor: Howard

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

# In Addition

## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of May 23-27, 1983.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

United Texas Transmission Company, Escobas; natural gas transmission; (location not available); 9323; new source

United Texas Transmission Company, Zapata; gas treating plant; (location not available); 9324; new source

Poly-Cycle Industries, Palmer; rubber and plastic recycling; (location not available); 9325; new source

Bay, Incorporated, Orange Grove; rock crusher; (location not available); 9326; new source

Hughes Metallurgical Products Division, Houston; tungsten carbide products; 4435 West 12th Street; 7793A, 3120A; modifications

Colorado Materials Company, Inc., Hunter; crushed limestone; FM 1102; 4441E; modification

Manville Building Materials Corporation, Cleburne; two pot addition to liker forming Unit 96; 200 West Industrial Boulevard; 9327; modification

Issued in Austin, Texas, on May 27, 1983.

TRD-833942      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: June 1, 1983  
For further information, please call (512) 451-5711,  
ext. 354.

## Medical Resources Advisory Panel Meeting

On Monday, June 13, 1983, at 9:30 a.m. the Medical Resources Advisory Panel (MRAP) of the Texas Air Control Board will meet at the University of Texas School of Public Health in Houston. Items on the agenda include discussion of status of environmental sampling and analysis in the Deer Park vicinity, additional health-related studies in the Gulf Coast area, and methods for establishing significance levels for air contaminants.

Issued in Austin, Texas, on May 31, 1983.

TRD-833953      Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: June 1, 1983  
For further information, please call (512) 451-5711,  
ext. 354.



## Banking Department of Texas Application To Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On May 31, 1983, the banking commissioner received an application to acquire control of Texas State Bank, Joaquin, by Lester Lowery and Donna Lowery of Huntington; Joe Lowery of Chireno; Mark Lowery of Lufkin.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on May 31, 1983.

TRD-834021 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed: June 3, 1983  
For further information, please call (512) 475-4451.

## Comptroller of Public Accounts Decision 12,688

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** The taxpayer contends that charges for transportation of goods it special-ordered from suppliers, pursuant to purchase orders from its customers, and which were delivered to a third-party warehouse hired by the taxpayer, are charges for transportation after the sale and hence not taxable (Texas Tax Code, §151.007(c)(7)). The comptroller held that there were two transactions involved, taxpayer being both buyer (from supplier) and seller (to customer), and that the charges in question were incident to the first transaction and therefore taxable, since they were incurred prior to the second sale to taxpayer's customers (Texas Tax Code, §151.007(a)(3)).

Issued in Austin, Texas, on June 3, 1983.

TRD-834042 Bob Bullock  
Comptroller of Public Accounts

Filed: June 3, 1983  
For further information, please call (512) 475-1938.

## Texas Department of Health Public Hearing

The Texas Department of Health will conduct a hearing on Application 1506 of the City of Kerrville to operate

a proposed Type I municipal solid waste disposal site to be located east of Kerrville, approximately 2.5 miles southeast of the intersection of State Highway 27, and State Highway 16, 1.2 miles northeast of the intersection of State Highway 27 and Loop 100, and 2,000 feet east of the city sewage treatment plant, in Kerr County. The public hearing will be held on Wednesday, July 6, 1983, at 9:30 a.m., in the Butt-Holdsworth Library Meeting Room, 505 Water Street, Kerrville.

Issued in Austin, Texas, on June 1, 1983.

TRD-833985 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 2, 1983  
For further information, please call (512) 458-7271.

## Uranium By-Product Material License Amendment

The Texas Department of Health gives notice that Radioactive Material License 11-3399 issued to Pasadena Chemical Corporation for its facility located in Pasadena, Harris County (mailing address: Pasadena Chemical Corporation, P. O. Box 3447, Pasadena, Texas 77501), has been amended to delete the authorization for the use of a mixture of phosphogypsum and cement and/or flyash to be used as subbase and base material for open commercial storage areas and to require that the phosphogypsum mixture when used as subbase and base material for open industrial storage areas; road, street, parking lots, and highway construction; tank ditches and dikes; and private plant roads; be covered with a cover material such that the layer containing the phosphogypsum mixture will not be dispersed into the environment by action of wind, water, or other natural or man-made forces.

The Texas Department of Health, Bureau of Radiation Control, has determined that the amendment has no significant impact on the human environment, and the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety and the environment. The licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment. The issuance of the license amendment will not be inimical to public health and safety or have a detrimental impact on the environment. The licensee satisfies any applicable special requirements in the Texas Regulations for Control of Radiation (TRCR), Part 41.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended. A written hearing request must be received within 30 days from the date of this notice by Mr. David K. Lacker, Director, Radiation Control Program, 1100 West 49th



Street, Austin, Texas, 78756. Should no request for a public hearing be filed on time, the license amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting Mr. Lacker. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on June 1, 1983.

TRD-833984 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 2, 1983

For further information, please call (512) 835-7000.

## Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Hillcrest Baptist Hospital, Waco  
AH81-1130-044A(042283)  
CN/AMD—Notice of an amended amendment ap-

plication. Request for an extension of the completion deadline from June 1, 1983, to July 31, 1983, and an increase in the project cost from \$1,330,951 to \$1,408,501 in Certificate of Need AH81-1130-044, which authorized the certificate holder to construct, equip, and operate a 12,468 square foot outpatient ambulatory surgical center to be located on the fifth floor of Hillcrest Medical Tower.

Adventist Health System/Sunbelt, Inc., and Hays County Hospital Authority, doing business as Hays Memorial Hospital, San Marcos  
AH80-1103-055A(052683)

CN/AMD—Request to extend the completion deadline from May 15, 1983, to August 15, 1983, in Certificate of Need AH80-1103-055, which authorized the certificate holder to construct and operate a new 109-bed general acute care hospital to replace the existing 40-bed Hays Memorial Hospital.

Horizon Health Corporation, Dallas  
AH83-0526-545

NIEH—Request for a declaratory ruling that a certificate of need is not required for Horizon Health Corporation to purchase all of the outstanding capital stock of Advanced Health Systems, Inc., from Petrolane, Inc. Advanced Health Systems, Inc., currently owns Raleigh Hills Hospital, an existing 45-bed hospital with 18 medical/surgical and 27 alcohol treatment beds located in San Antonio.

Horizon Health Corporation, Dallas  
AH83-0526-546

NIEH—Request for a declaratory ruling that a certificate of need is not required for Horizon Health Corporation to purchase all of the outstanding capital stock of Advanced Health Systems, Inc., from Petrolane, Inc. Advanced Health Systems, Inc., currently owns Raleigh Hills Hospital, an existing 70-bed hospital with 35 medical/surgical and 35 alcohol treatment beds located in Houston.

Horizon Health Corporation, Dallas  
AH83-0526-547

NIEH—Request for a declaratory ruling that a certificate of need is not required for Horizon Health Corporation to purchase all of the outstanding capital stock of Advanced Health Systems, Inc., from Petrolane, Inc. Advanced Health Systems, Inc., currently owns Raleigh Hills Hospital, an existing 26-bed alcohol treatment hospital located in Dallas.

Amarillo Health Properties, Inc., Amarillo  
AN83-0531-555

NIEH—Request for a declaratory ruling that a certificate of need is not required for Amarillo Health Properties, Inc., to acquire by purchase Olsen Manor Nursing Home, an existing 120-bed nursing facility with 60 ICF and 60 personal care beds located in Amarillo, from Olsen Manor, Inc.

Austin Diagnostic Clinic Association and The West 34th Street Corporation, Austin  
AS81-0506-032A(052683)

CN/AMD—Request to extend the completion

deadline from July 1, 1983, to October 31, 1983, in Certificate of Need AS81-0506-032, as amended in AS81-0506-032A(093082), which authorized the certificate holder to increase the number of maintenance dialysis stations from 21 to 33, to renovate 2,900 square feet of an expanded lease area, and to purchase 13 dialysis machines

Psychiatric Pavilion, The University of Texas  
Medical Branch, Galveston  
AH79-1016-013A(052783)

CN/AMD—Request to extend the completion deadline from September 30, 1981, to September 30, 1983, in Certificate of Need AH79-1016-013, which authorized the certificate holder to establish an eight-bed clinical study-research center as an additional fifth floor.

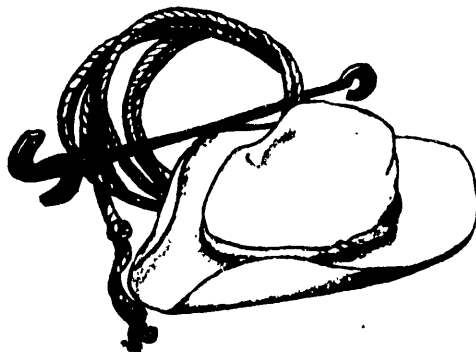
Contemporary Health Management of San  
Antonio, Inc., The Woodlands  
AH83-0601-559

NIEH—Request for a declaratory ruling that a certificate of need is not required for Contemporary Health Management of San Antonio, Inc., to acquire by purchase Park North General Hospital an existing 100-bed general acute care and psychiatric hospital located in San Antonio, from Park North General Hospital, Inc.

Issued in Austin, Texas, on June 6, 1983.

TRD-834051      John R. Neel  
General Counsel  
Texas Health Facilities  
Commission

Filed: June 6, 1983  
For further information, please call (512) 475-6940.



## Texas Historical Commission Public Notice

Dr. LeRoy Johnson has been hired by the National Register Department of the Texas Historical Commission, effective June 1, 1983, as a research associate to conduct archival research for the Texana I and Rehab 82 symposia.

This contract is in addition to his current contract of \$9,500 for his services as editor. The combined contracted services with Dr. Johnson in fiscal year 1982 will not exceed \$14,500.

Inquiries should be made to Joe Oppermann, Director, National Register Program, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, (512) 475-3094.

Issued in Austin, Texas, on June 1, 1983.

TRD-834016      Susan Willis  
Administrative Secretary  
Texas Historical Commission

Filed: June 2, 1983  
For further information, please call (512) 475-3092.

## Request for Proposals

**Notice of Invitation for Program Proposals.** The Texas Historical Commission (THC) announces a request for proposal (RFP) to administer and operate a downtown revitalization program in cooperation with the Texas Main Street Project at the THC.

**Qualifications Desired by THC.** Offerors must evidence their capability to accomplish the requested services. Offerors may be requested to include specific items and documents which attest to the applicant's capability to provide the desired services. Offerors must be a Texas municipality of fewer than 50,000 residents.

**Deadline.** The request for proposals will close as of 5 p.m. on Thursday, September 1, 1983, except for those proposals received by 5 p.m. on Thursday, September 8, 1983, that are postmarked on or before September 1, 1983.

**Applications.** Applications for proposals will be mailed to offerors upon request by writing or telephoning the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092.

The Main Street Project format which is the basis for the request for proposals is as follows.

Five cities with a population less than 50,000 will be selected as 1984 Main Street Cities. They will be contracted to employ a local Main Street Project manager who will receive training and assistance from the Texas Main Street Project at the Texas Historical Commission. The period of performance for all categories shall begin on January 1, 1984, and shall extend through December 31, 1984.

**General Information.** The THC reserves the right to accept or reject any or all proposals submitted. The THC is under no legal requirement to execute a contract on the basis of this notice and intends this material only as a means of identifying the various contractor alternatives and the general cost of the services desired by the THC. The THC intends to use responses as a basis for further negotiation of specific project details with potential contractors. In the event that the THC selects a contractor to provide these services, the THC will base its choice on demonstrated competence and qualifications and the

reasonableness of the fee for services. If other considerations are equal, preference will go to an in-state offeror. The request does not commit the THC to pay for any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the THC to award a contract or to pay any costs incurred in the preparation of a response to this notice. The THC specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract if the THC deems such variance to be in the best interest of the State of Texas and to otherwise act as it determines in its sole discretion.

**Contact.** For details contact Anice Read or Paula Peters at (512) 475-3092.

Issued in Austin, Texas, on June 1, 1983.

TRD-834017 Susan Willis  
Administrative Secretary  
Texas Historical Commission

Filed: June 2, 1983  
For further information, please call (512) 475-3092.

## North Central Texas Council of Governments Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11(c), the North Central Texas Council of Governments (NCTCOG) publishes this invitation for offers of consulting services.

**Description.** The North Central Texas Council of Governments is soliciting proposals from parties interested in conducting a regional crime analysis feasibility study and in performing certain tasks, including the following.

- (1) Evaluating the current crime analysis activities and workload of the participating agencies.
- (2) Determining the feasibility and cost-effectiveness of interfacing the agencies' data processing capabilities with existing communications networks.
- (3) Recommending alternative methods for the development of a regional system, including a cost-benefit analysis of each alternative, and
- (4) Developing equipment specifications for the system determined to be the most cost-effective.

**Award Procedure.** A selection committee will evaluate each proposal based primarily, but not exclusively, on personnel qualifications, methodology, experience, and cost of services.

The NCTCOG executive board will make the final selection based upon recommendations from the selection committee.

**Due Date.** June 30, 1983, at 5 p.m. in the office of Michael Williams, Coordinator of Criminal Justice Programs, NCTCOG, P.O. Drawer COG, 616 Six Flags Drive, Arlington, Texas 76011.

**Contact Person.** For further information, contact Michael Williams, Coordinator of Criminal Justice Programs, NCTCOG, P.O. Drawer COG, 616 Six Flags Drive, Arlington, Texas 76011, (817) 461-3300.

Issued in Austin, Texas, on June 1, 1983.

TRD-834040 William J. Pitstick  
Executive Director  
North Central Texas Council of Governments

Filed: June 3, 1983  
For further information, please call (817) 461-3300.

## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 30-June 3, 1983.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the name(s) of the applicants and the city in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

### Period of May 30-June 3, 1983

Dal-Tex Cement Company, Ellis County; limestone quarry (stormwater); approximately two miles northeast of the City of Midlothian, east of and adjacent with the Atchison, Topeka, and Santa Fe right-of-way in Ellis County; 02580; amendment

Douglas Utility Company, Houston; Fountainview wastewater treatment plant; approximately 600 feet south of North Belt Road approximately ¼ mile west of the intersection of U.S. Highway 59 and North Belt in Harris County; 11200-01; amendment

City of League City; Wastewater Treatment Plant 3; on the western bank of Magnolia Creek, approximately 1,200 feet south of Clear Creek, approximately 2,200 feet north of FM Road 518 and approximately three miles west of IH-45 in Galveston County; 10568-03; amendment

City of Anson; disposal by irrigation (treated wastewater); approximately 1,300 feet east of the City of Anson and north of U.S. Highway 180 in Jones County; 10500-02; renewal

Tide Products, Inc., Edinburg; disposal by evaporation (industrial wastewater); ¼ mile east of the City of Mercedes, south of Highway 83 and north of the Missouri Pacific Railroad tracks in Hidalgo County; 02629; new permit

Harris County Municipal Utility District 49, Houston; treated domestic wastewater; approximately 700 feet north of the proposed North Belt adjacent to and east of Garner's Bayou within Harris County; 11952-01; renewal

Victoria County Water Control and Improvement District 2, Placedo; treated domestic wastewater; approximately 3,000 feet north-northeast of the intersection of U.S. Highway 87 and FM Road 616 just southeast of the intersection of Grand Street and Preston Street in the unincorporated community of Placedo in Victoria County; 12743-01; new permit

City of Carrizo Springs; treated wastewater; southeast portion of the City of Carrizo Springs at a point ½ mile north of State Highway 85 and on the west side

of Carrizo Creek in Dimmit County; 10145-01; renewal

Steve Peacock and First Texas Savings Association, Houston; domestic sewage; approximately 3,400 feet east of the intersection of FM 1960 and FM 149 and 850 feet north of FM 1960 on the west side of the FW&D Rock Island railroad in Harris County; 12736-01; new permit

Ethel M. Ramsey, Pearland; Eiker Road Mobile Home Park wastewater treatment plant; at 13260 Eiker Road, approximately 1.8 miles northwest of the intersection of State Highway 35 and FM 518 in Brazoria County; 12709-01; new permit

Issued in Austin, Texas, on June 3, 1983.

TRD-834026

Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: June 3, 1983

For further information, please call (512) 475-4514.

## Correction of Error

An open meeting notice with four additions by the Texas Water Commission contained an error as published in the June 7, 1983, issue of the *Texas Register* (8 TexReg 1919). The time of the meeting should read Tuesday, June 21, 1983, 9:30 a.m.

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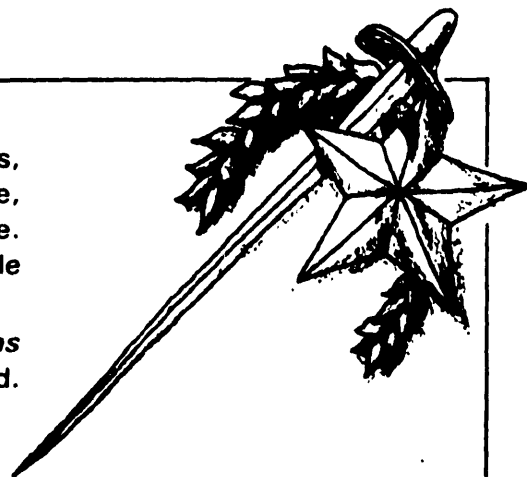
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